

GAHC040003922024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/127/2024

Dorjee Tsering
aged about 44 years, S/o Lt. Nima Gombu, resident of village Angkaling, PO/PS
Kalaktang, District West Kameng, AP and presently posted at Kalaktang PS as
Assistant sub-Inspector(ASI) Mobile No. 8974104954

VERSUS

THE STATE OF AP and 2 Ors
represented by the Secretary to the Department of Home Affairs, Govt. of AP,
Itanagar PIN 791111

2: The Home Commissioner Department of Home Affairs, Govt. of AP, Itanagar PIN
791111 Age: 0 Occupation :

3: The Assistant Inspector General of Police (AIGP)(E), PHQ Itanagar-791111,
Government of Arunachal Pradesh. Age: 0 Occupation :

Advocate for the Petitioner : Chorpok Modi
N Rama
T Rahul
N Kamu

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.07.2024

Heard Mr. N. Rama, learned counsel for the petitioner. Also heard Mr. S.
Tapin, learned Senior Government Advocate for the State respondents.

2. The petitioner by way of instituting the present writ petition has presented a challenge to an order dated 05.03.2024 issued by the Director General of Police, transferring him from West Kameng District to East Kameng District. The petitioner on receipt of the said order of transfer had submitted a representation dated 11.03.2024, praying that his such transfer be cancelled on his health grounds. The said representation not having been so considered, the petitioner had instituted the present proceedings. This Court, vide order dated 19.03.2024, on consideration of the issues so arising had directed that *status quo* as on date be maintained with regard to the place of posting of the petitioner.

3. It is the contention of the petitioner that in spite of passing of the said order, he received a WhatsApp message on 27.03.2024 to the extent that he has been released from the post as held by him in West Kameng District by issuance of a release order dated 14.03.2024. The petitioner contends that the same is a back-dated order. However, he contends that in terms of the directions passed by this Court, he has been permitted to continue in his place of posting at West Kameng District.

4. Mr. Tapin, learned Senior Government Advocate for the State respondents, has submitted that the transfer of the petitioner was so done strictly in accordance with the policy in place in this connection and has further submitted that the petitioner has not alleged any malafide in connection with the issuance of the impugned order of transfer and accordingly, he prays that the petitioner being a member of the discipline force is required to comply with the directions as passed with regard to the place of posting, which has been so determined by the competent authorities after taking into note the necessity of posting of Officers at a particular location.

5. I have heard the learned counsels appearing for the parties and considered the materials brought on record.

6. This Court on consideration of the materials brought on record as well as the submissions made by the parties, finds that the petitioner has not alleged any malafide against any of the authority involved in issuance of the impugned order of transfer and has also not alleged violation of any statutory provision in issuance of the impugned order of transfer and accordingly, this Court refrains from entertaining the writ petition on merits.

7. In view of the above position, the Director General of Police, Arunachal Pradesh is directed to take on record the representation dated 11.03.2024 as submitted by the petitioner before the Assistant Inspector General of Police (E) Police Headquarters at Itanagar and to consider the same strictly in accordance with the transfer policy in place and to dispose of the same within a period of 30 (thirty) days.

8. At this stage, the petitioner submits that he be permitted to make a fresh representation before the Director General of Police, highlighting his grievances for the consideration of the said authority in terms of the directions passed hereinabove, by this Court. The prayer is accepted, the petitioner herein is directed to submit a fresh representation, in addition to the one already submitted by him on 11.03.2024, before the Director General of Police, within a period of 10 (ten) days from today along with a certified copy of this order.

9. In the event, the petitioner submits the representation as per the liberty granted hereinabove, within a period of 10 (ten) days from today, the Director

General of Police, Arunachal Pradesh, shall on receipt of the said fresh representation from the petitioner, consider the same along with the representation dated 11.03.2024 and pass a reasoned order, thereon, with regard to the grievances raised by the petitioner pertaining to the order of transfer of the petitioner as impugned in the present proceedings. The order that would be now passed by the Director General of Police, upon consideration of the said representations of the petitioner shall hold the field in the matter. The Director General of Police, Arunachal Pradesh shall dispose of the said representations of the petitioner, within a period of 30 (thirty) days from the date of receipt of the fresh representation and along with the certified copy of this order from the petitioner.

10. It is further provided that till the representation is disposed of and the order communicated to the petitioner herein, the interim direction of *status quo* as passed by this Court vide order dated 19.03.2024 shall continue to hold the field.

11. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant