

GAHC040004622024



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

Case No. : WP(C)/159/2024

Papy Natung
Wife of Davidson Taku, Jr Specialist (OBS and Gyan) District Hospital, Seppa, East
Kameng District, Arunachal Pradesh

VERSUS

The State of AP and 2 Ors
through the Secretary, General Administration, Govt of Arunachal Pradesh, Itanagar
2:The Deputy Commissioner
Age: 0
Occupation :

3:The ADC cum Estate Officer
Age: 0
Occupation :

4:The District Medical Officer
Age: 0
Occupation

Advocate for the Petitioner : Rajesh Sonar

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA
ORDER**

04.06.2024

Heard Ms. R. Taku, learned counsel for the petitioner. Also heard Ms. T. Wangmo, learned Government Advocate representing the respondent Nos. 1, 2 and 3.

2. This application under Article 226 of the Constitution of India has been preferred by the petitioner challenging the legality and validity of the Impugned Office order No. DEV/GAQTR-IV-02/2024-25 dated 26.03.2023 issued by the Deputy Commissioner, East Kameng District, Seppa/Respondent No.2, whereby directed the present petitioner to vacate the Government Quarter No.D-06, Type-IV within 10 days of issuance of the order.

3. It is submitted by the learned counsel for the petitioner, Ms. Taku that the present petitioner is a doctor by profession and she was posted as Junior Specialist (Obs & Gynea) at Seppa, District Hospital in the year 2018, vide Office Order No. HFW 01/2014/137. Thereafter, she accordingly joined the office and was allotted the Government Quarter No. D-6 at Type-IV Colony, Seppa; and since then, she has been residing in the said quarter. However, on 03.02.2024, she received an order from the Office of the District Medical Officer (DMO's) office with a direction to vacate the Government Quarter on or before 15.02.2024 as per the minutes of the meeting and further the petitioner was informed through the order that she has been allotted Government Quarter No. DH/3, Type-IV at Medical Colony. On receipt of the said notice, the writ petitioner submitted a representation before the Office of the Deputy Commissioner/respondent No.2 dated 06.02.2024 which was further submitted before the DMO's Office, whereby, the DMO Vide office No.MEST-303/2022-

23/96 dated 07.02.2024 has again forwarded the application stating that the petitioner's prayer may be considered. And thus, the petitioner was under impression that her prayer was considered. But, after a month, the petitioner received a WhatsApp message regarding breaching the vacation order No.MDEV-1/2014-15 (Vol-II) dated 01.02.2024 and to vacate the said quarter on or before 15.02.2024. Subsequently she submitted another representation dated 02.04.2024 before the Deputy Commissioner elaborating her health condition and to stay the order till her delivery and in the meantime to take up all the necessary maintenance of the newly allotted quarter.

4. Ms. Taku, learned counsel for the petitioner has submitted that at the time of issuance of notice the petitioner was pregnant and also her health condition was not sound as on earlier three occasion her pregnancy was aborted and as such due to her medical condition, she was not in a position to shift in the quarter within the stipulated time given by the authority concerned. More so, the quarter which has been assigned to the petitioner is not fit for residing as recently she has delivered a pre-mature baby and is still under the care of the doctor. Thus, the petitioner has preferred this instant petition seeking time for shifting in the newly allotted quarter.

5. Further, she submitted that this Court vide order dated 04.04.2024 had granted interim protection to the present petitioner by suspending the order passed by the Deputy Commissioner, East Kameng District on 26.03.2024 and accordingly, the two months has already lapsed and petitioner needs only 4 months to vacate the quarter.

6. In this context, Ms. Wangmo, learned Government Advocate has submitted that considering the medical condition of the present petitioner and

also considering the fact that the period of 2 months has already been lapsed from the date of issuance of order passed by the Deputy Commissioner, East Kameng, Seppa on 26.03.2024, she raised no objection, if the petitioner is allowed to stay in the said quarter for another 4(four) months with a direction to vacate the said quarter. Further she also submitted that the petitioner may be directed to shift in the new quarter which has been allotted to her within the stipulated period.

7. Considering the submissions made by the learned counsels for both sides as well as considering the grounds raised by the petitioner mainly the medical ground and also considering the fact that the petitioner has sought for 6(six) months' time to vacate the quarter and to shift in the new quarter, I find it a fit case to allow the petitioner to vacate the quarter after 4(four) months from the date of order. Accordingly, the impugned order No. DEV/GAQTR-IV-02/2024-25 dated 26.03.2023 issued by the Deputy Commissioner, East Kameng District, Seppa/Respondent No.2 stands set aside and quashed. Further, during the stipulated period, the petitioner is hereby directed to shift in the new Quarter allotted to her, and if the same is not followed, the respondents are free to take action as may be permissible in law as per the procedure laid down in the Rules and Regulations.

8. With above observation, this writ petition stands disposed of. There shall be, however, no order as to costs.

JUDGE

Comparing Assistant