



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

Case No. : WP(C)/168/2024

Millo Tali
Son of Shri Millo Halley, permanent resident of Tajang Village, PO and PS Ziro,
Lower Subansiri District, Arunachal Pradesh

VERSUS

The State of AP and 4 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar

2:The Principal Secretary (Home)
Age: 0
Occupation :
Government of Arunachal Pradesh, Itanagar – 791111.

3:The Director General of Police
Age: 0
Occupation :
Arunachal Pradesh, PHQ, Itanagar-791113

4:The Assistant Inspector General (E)
Age: 0
Occupation :
Arunachal Pradesh, PHQ, Itanagar-791113

5:The Assistant Inspector General (I)
Age: 0
Occupation

Arunachal Pradesh, PHQ, Itanagar-791113

Advocate for the Petitioner : Duyu Laji

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 12-04-2024

Heard Mr. D. Laji, learned counsel appearing for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate appearing for all the respondents.

2. In view of the nature of the prayer made in this application and as agreed to by the learned counsel for the parties, the present petition is being disposed of at the motion stage itself.

3. The grievance of the petitioner is against the non-inclusion of his name in the Seniority List of Inspector (Civil Police) which has been published vide File No. HOME-11011(13)/108/2022, dated 13.09.2023.

4. The petitioner has prayed for a direction to the respondent authorities to dispose of his representation dated 20.09.2023 for inclusion of his name in the impugned Seniority List by taking into account his first service rendered as Inspector in the BSF prior to absorption as Inspector (Civil Police) in the Arunachal Pradesh Police.

5. The petitioner was appointed as Sub-Inspector (Direct Entry) in Border Security Force (BSF) on 29.10.2004 and he was on deputation in the Special Protection Group (SPG) as SO-II (Security Officer-II). During the period of his deputation, he was promoted to the post of Inspector on 31.05.2010. While he was serving as Inspector in the BSF under the Ministry of Home Affairs, Government of India, vide order dated 03.10.2018, an offer was given to the petitioner by the State of Arunachal Pradesh to join as Inspector (Civil Police) in the State Police Department. Accordingly, after completion of the codal formalities, he joined as Inspector (Civil Police) in the Arunachal Pradesh Police Department from BSF. Vide letter dated 20.09.2019, addressed to the Under Secretary (Home), Government of Arunachal Pradesh, the Assistant Inspector General of Police (E), Arunachal Pradesh has expressed willingness to absorb the petitioner in the Arunachal Pradesh Police. Thereafter, vide letter dated 19.05.2021, the petitioner was recommended for absorption as Inspector in the Arunachal Pradesh Civil Police. Accordingly, after the codal formalities and on acceptance of the technical resignation of the petitioner, vide order dated 24.02.2023, petitioner as Inspector (Ex-Cadre Post) has been permanently absorbed in the Arunachal Pradesh Police.

6. It is contented by the learned counsel for the petitioner that the petitioner is at present serving as Inspector (Civil Police) in the Arunachal Pradesh Police on being permanently absorbed. Vide order dated 13.09.2023, the authority has published the final seniority list of Inspector (Civil Police), however, the name of the petitioner has not been included. He submits that since the petitioner has been permanently absorbed in the Police Department after following all the

codal formalities, the petitioner ought to have been included in Seniority List at the appropriate place by giving the benefit of his past service in the BSF as Inspector. He submits that he has filed a representation on 20.09.2023, however, the same has not been attended to.

7. Mr. S. Tapin, learned Senior Government Advocate submits that nothing is discernible from the materials annexed in the writ petition as to why, the petitioner has not been included in the Seniority List of the Inspector (Civil Police) in the Arunachal Pradesh Police as the petitioner has already been permanently absorbed in the Department by following due process.

8. I have considered the submissions of the learned counsel for the parties and perused the materials annexed to the writ petition.

9. On perusal of the materials annexed in the present petition, it is noticed that the petitioner who was initially appointed as Sub Inspector in the BSF and promoted to the post of Inspector, was offered the post of Inspector (Civil Police) in the Arunachal Pradesh Police Department on deputation. Thereafter following the due procedure, the petitioner has been absorbed permanently in the Department.

10. Having considered that the petitioner has been permanently absorbed as Inspector (Civil Police) in the Police Department, this Court is of the view that the petitioner is entitled to be included in the Seniority List of Inspector (Civil Police) of the Arunachal Pradesh Police as there is nothing on record to show his disentitlement.

11. On a bare reading of the order dated 13.09.2023, issued by the Principal Secretary (Home) Government of Arunachal Pradesh, whereby, the Final Seniority List of Inspector (Civil Police) has been published, it transpires that the Final Seniority List has been prepared on the basis of the claims and objections sought for after publishing of Provisional Seniority List on 06.12.2022. The authority appears to have considered the records only on the basis of the claims and objections and the Provisional Seniority List published on 06.12.2022. However, since the petitioner has submitted a representation, it is incumbent upon the respondent authorities to consider the representation of the petitioner.

12. As noted above, on the consent of the learned counsels for the parties and having considered the nature of the prayer, basically for disposal of his representation, this Court deems it appropriate to dispose of the present writ petition at the motion stage itself.

13. Accordingly, the writ petition is disposed of with a direction to the respondent authority, more particularly, the respondent No. 2 i.e. the Principal Secretary (Home), Govt. of Arunachal Pradesh, Itanagar to consider the grievance of the petitioner and pass appropriate order in accordance with law within 1(one) month from the date of receipt of representation (infra), that would be filed by the petitioner.

14. Since the petitioner has filed the representation before the respondent no. 3 i.e. The Director General of Police, Arunachal Pradesh, PHQ, he is directed to file a fresh representation before the respondent no. 2 i.e. The Principal

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Secretary (Home), Govt. of Arunachal Pradesh, Itanagar, within a period of 1 (one) week from today.

15. With the above direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant