

GAHC040009192024



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

Case No. : WP(C)/290/2024

Jeki Kayi
resident of Liru village, PO and PS Likabali, Lower Siang District, Arunachal Pradesh
and presently serving as Junior Engineer , Water Resource Department, Water
Resource Section, Likabali

VERSUS

The State of AP and 4 Ors
represented by the Secretary, Water Resources Department, Govt of Arunachal
Pradesh, Itanagar 2:The Superintending Engineer (Coord)
Age: 0
Occupation :
Water Resources Department
Govt of Arunachal Pradesh
Chimpu
Itanagar

3:The Executive Engineer
Age: 0
Occupation :
Water Resources Department
Water Resource Sub-Division
Likabali
Lower Siang District
Arunachal Pradesh

4:The Assistant Engineer
Age: 0
Occupation :
Water Resources Department
Water Resource Sub Division
Likabali
Lower Siang District

Arunachal Pradesh

5:Yugo Gara

Age: 0

Occupation :

Junior Engineer (JE)

Water Resource Department

C/o Assistant Engineer

Water Resources Sub Division

Likabali

Lower Siang District

Arunachal Pradesh

Advocate for the Petitioner : Kamal Saxena, Eddie Payeng, Mingkong Pertin, Rinchin Ledo Thungon

Advocate for the Respondent : GA (AP), Duge Soki

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 29.10.2024

Heard Mr. K. Saxena, learned counsel for the petitioner, who submits that the instant writ petition has been filed against the transfer order dated 22.07.2024, by which, the previous transfer order dated 12.07.2024 was modified in respect of the petitioner and the private respondent No.5 to the effect that they were required to retain their respective earlier place of posting, which was before the transfer order dated 12.07.2024.

The learned counsel for the petitioner submits that in the transfer order dated 12.07.2024, the petitioner was transferred from Kangku Section to Likabali Section and the respondent No.5 was transferred from Likabali Section to Kangku Section. In pursuance of the transfer order dated 12.07.2024, both the petitioner and the respondent No.5 had joined their respective places of posting. However, after taking over the charge, within a period of 10(ten) days,

the impugned modification of the transfer order was received, wherein both the petitioner and the respondent No.5 were retained to their earlier place of posting. Aggrieved by the same, the instant writ petition has been filed.

Mr. D. Soki, learned counsel for the private respondent No.5 submits that he will not be filing any counter-affidavit in the case since the respondent No.5 is also unhappy with the impugned modified order dated 22.07.2024.

The learned counsels for both the petitioner and the respondent No.5 submits that since they have no grievance with the transfer order dated 12.07.2024 and have now joined their respective places of posting, thus, the instant writ petition for setting aside of the impugned transfer order dated 22.07.2024 may be allowed.

Mr. Y. Riram, learned Govt. Advocate submits that since the impugned transfer appears to be initiated on the recommendation of the concerned MLA as well as the Panchayat members, they have no objection since the respondent No.5 has also not objected to the instant writ petition.

I have perused the documents on record, it appears that the first transfer order dated 12.07.2024 was initiated in pursuance of a 'Public Representative' dated 29.06.2024, addressed to the concerned MLA, wherein the petitioner was asked to be transferred to Likabali from Kangku. Thereafter, in response to another letter dated 12.07.2024, wherein the petitioner was asked to be retained back to Kangku Section by the Local leaders, which was recommended by the MLA of the concerned area, thus, the impugned order/notification dated 22.07.2024 was issued.

Thus, considering the facts; nature and the circumstances of the case,

under which the impugned order dated 22.07.2024 was issued and wherein the respondents have not raised any objection to set aside the impugned transfer order dated 22.07.2024, this Court finds it fit to dispose of the instant writ petition by setting aside the impugned transfer order dated 22.07.2024.

Accordingly, the instant writ petition stands allowed and disposed of as above.

JUDGE

Comparing Assistant