

GAHC040011842024



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

Case No. : WP(C)/397/2024

Dr. Miti Lego Tabi @ Dr. Miti Lego Tabi SMO (SG)
Wife of Tadi Tabi, Tajum Village, 5th Mile Pasighat, PO and PS Pasighat, East Siang District, Arunachal Pradesh O/o the JT DHS (T and R) Pasighat, and presently temporarily attached at DRC Office, Kolkata, West Bengal, Govt of Arunachal Pradesh.

VERSUS

The State of AP
represented by the Commissioner (Health) Govt of Arunachal Pradesh.

2:The Commissioner
Health and Family Welfare
Govt of Arunachal Pradesh
Itanagar.

3:The Director of Health Services
Govt of Arunachal Pradesh
Itanagar.

4:The Joint Director Health Services
Govt of Arunachal Pradesh
Bakin Pertin General Hospital
Pasighat

Advocate for the Petitioner : Dugmar Kamduk, mipe,J Koyu,Lokam Tadam,Kirpok Eshi

Advocate for the Respondent : Taba Tagum, SC(Health)

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 09.09.2024

Heard Mr. D. Kamduk, learned counsel for the petitioner. Also heard Mr. T. Tagum, learned Standing Counsel for the Health and Family Welfare Department.

2. Considering that the challenge made in this writ petition is to the transfer order dated 20.08.2024, the writ petition is taken-up for disposal at the motion stage itself.

3. By filing this writ petition, the petitioner has put to challenge the order dated 20.08.2024, vide Memo. No.MEST-1035/2020/pt, issued by the Commissioner (Health and Family Welfare), Government of Arunachal Pradesh, whereby as many as 31(thirty one) GDMOs(Allopathy) are transferred including the petitioner.

4. The petitioner is posted as Medical Officer, BPGH, Pasighat, who is presently attached at DRC Office, Kolkata, West Bengal vide order dated 23.07.2019.

5. Mr. Kamduk, learned counsel for the petitioner has contended that normally, as per the transfer and posting guidelines vide circular dated 02.06.1998(amended from time to time) the transfer and posting in the State of Arunachal Pradesh is issued in the month of April. However, the impugned order has been issued in the month of August, which is in violation of the said transfer and posting guidelines. He further submits that on being attached at

DRC Office, Kolkata, the petitioner has brought her son and got him admitted in school, who is studying in class x(ten) and his board examination will be held in the month of March, 2025. At this stage, if the transfer order is given effect to in respect of the petitioner, the academic career of the son of the petitioner would be hampered. Mr. Kamduk, learned counsel further submits that the husband of the petitioner is also posted in the State of Odisha, which is near to the Kolkata where the petitioner can easily visit her husband. Therefore, he submits that a direction may be issued to the respondent authorities to allow the petitioner to continue in her present place of posting at Kolkata, till March, 2025.

6. Essentially, the ground of challenge is on personal hardships as well as to her family. The petitioner appears to have filed a representation placing all the grounds and the hardships faced by her before the Secretary (Health and Family Welfare), Government of Arunachal Pradesh.

7. Having considered the facts and circumstances, I deem it appropriate to dispose of this writ petition with a direction to the respondent authorities, particularly, the Commissioner (Health and Family Welfare), Government of Arunachal Pradesh to consider and dispose of the representation dated 30.08.2024.

8. Having noted that the representation is addressed to the Secretary (Health and Family Welfare), Government of Arunachal Pradesh, the petitioner is directed to file a fresh representation before the Commissioner (Health and Family Welfare), Government of Arunachal Pradesh, within a period of 5(five) days from today.

9. On receipt of the representation, the Commissioner (Health and Family Welfare), Government of Arunachal Pradesh shall consider and dispose of the representation, within a period of 20(twenty) days from today.

10. Till the representation is disposed of, the impugned order dated 20.08.2024, vide Memo. No.MEST-1035/2020/pt, issued by the Commissioner (Health and Family Welfare), Government of Arunachal Pradesh, in respect of the petitioner shall not be given effect to.

11. The writ petition accordingly, stands disposed of in terms above.

JUDGE

Comparing Assistant