

GAHC040012272024



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

Case No. : WP(C)/417/2024

Tarh Hachey
presently serving as Executive Engineer, UD and Housing, Seppa Division, PO and
PS Seppa, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the Commissioner (Urban Affairs) Department of Urban Affairs, Govt
of Arunachal Pradesh, Itanagar.

2:Mama Natung
Age: 0
Occupation :
Minister
Home and ISBA
PHE and WS and DIA
Govt of Arunachal Pradesh
Itanagar
Arunachal Pradesh Civil Secretariat
PO and PS Itanagar.

3:Er. Hillang Tajū
Age: 0
Occupation :
serving as In-charge Executive Engineer
UD and Housing
Raga Division
Kamle District
Arunachal Pradesh

Advocate for the Petitioner : Abhai Kumar Singh, Tsering Nyima, Nabam Kakum

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 16.09.2024

Heard Mr. A. K. Singh, learned counsel for the petitioner and Mr. R. H. Nabam, learned Additional Advocate General for the State representing respondent No.1.

2. The transfer of the petitioner from the Office of Executive Engineer, Seppa Division, Department of Urban Affairs to the post of Executive Engineer, Raga Division vice respondent No.3 vide order dated 03.09.2024, issued by the Commissioner, (Urban Affairs) Govt. of Arunachal Pradesh is assailed in this writ petition filed under 226 of the Constitution of India on the ground that the respondent No.3, who is sought to be transferred is holding a substantive post of Engineer.

3. The learned Additional Advocate General for the State has submitted that the prayer No.3 in the writ petition is to dispose of the representation dated 03.09.2024, submitted by the petitioner on 10.09.2024. And accordingly, it is submitted that some reasonable time may be granted to the authorities to dispose of the said representation submitted on 10.09.2024.

4. In view of the nature of the prayer made in the prayer No.3 of

the writ petition and on consideration of the submission of the learned Additional Advocate General for the State, this Court is of the considered opinion that the matter can be disposed of at the motion stage without issuance of notices on respondents by directing the Commissioner, (Department of Urban Affairs), Government of Arunachal Pradesh to consider and dispose of the representation dated 03.09.2024, submitted by the petitioner on 10.09.2024, by passing a Speaking Order.

5. On query of this Court, the learned Additional Advocate General has submitted that 10(ten) days time will be sufficient for the respondent No.1 to dispose of the representation. Accordingly, it is ordered that the respondent No. 1, i.e. the Commissioner, (Urban Affairs) Government of Arunachal Pradesh shall dispose of the representation of the petitioner within a period of 10(ten) days from the date of submission of the certified copy of this order by the petitioner.

6. The learned Additional Advocate General may also send a copy of this order to the respondent No.1 to bring the order to the notice of the said authority.

7. Till the order is passed on the representation dated 03.09.2024, submitted by the petitioner on 10.09.2024, and communicated to the petitioner at his physical or e-mail address, the impugned transfer order No. SUDH-11/16/2024-SUDH-UDH/575, dated 03.09.2024 issued by the Commissioner, (Urban Affairs) Govt.

of Arunachal Pradesh, shall remain stayed/suspended.

8. It is made clear that the Court has not entered into the merit of the claim of the petitioner. Hence, it is needless to mention that if the petitioner is still aggrieved, he has the liberty to approach the Court again.

9. This writ petition stands disposed of.

JUDGE

Comparing Assistant