

GAHC040014742024



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

Case No. : WP(C)/500/2024

Koya Yame
presently in Charge, District Sports Officer, Seppa, PO and PS Seppa, East Kameng
District, Arunachal Pradesh.

VERSUS

The State of AP and Anr
represented by the Secretary (Sports) Department, of Sports, Govt of Arunachal
Pradesh, Itanagar. 2:The Deputy Commissioner
Age: 0
Occupation :
Seppa
PO and PS Seppa
East Kameng District
Arunachal Pradesh

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

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05-11-2024

Heard Mr. A. K. Singh, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for all the respondents.

2. This writ petition under Article 226 of the Constitution of India has been preferred for issuance of writ in the nature of certiorari/mandamus and/or any other appropriate writ, order or direction, challenging the legality of the transfer Order No. DSYA/Esst/69/03 dated 10.01.2024, issued on 16.09.2024 by the Secretary, Sports, Government of Arunachal Pradesh, Itanagar, whereby, the petitioner, who is serving as In-Charge, District Sports Officer at East Kameng District, has been transferred from East Kameng District to Si-Yomi District as Football Coach, without posting any reliever at East Kameng District in his place and also the release order dated 18.09.2024 issued by the Deputy Commissioner, East Kameng District, Arunachal Pradesh.

3. It is the case of the petitioner that pursuant to the transfer order dated 10.01.2024 and the release order dated 18.09.2024, he filed a representation on 25.09.2024 before the concerned authority for cancellation of his transfer to Si-Yomi District and for retaining him in East Kameng District as In-Charge, District Sports Officer on domestic and medical ground.

4. Mr. Singh, learned counsel for the petitioner submits that the petitioner is suffering from Type-2 Diabetes and is also mentally disturbed. He further submits that the petitioner's wife is suffering from multiple diseases and brother is suffering from chronic liver cirrhosis, with both are undergoing treatment. Additionally, the petitioner's aged parents are bedridden and as the only son, he is responsible for their care. Mr. Singh submits that the representation dated 25.09.2024 submitted by the petitioner is still pending before the respondent Nos. 1 & 2 and as such, he prays that a direction maybe issued to the concerned authorities to dispose of the said representation. Mr. Singh further submits that though his release order was issued on 18.09.2024, but no reliever

has been posted in his place and hence, he prays for stay of his transfer order, till disposal of the present petition.

5. Ms. G. Ete, learned Additional Senior Government Advocate submitted in this regard that the order of transfer is dated 10.01.2024, however, it was issued on 16.09.2024. Despite knowledge of the transfer order dated 10.01.2024, the petitioner failed to file a representation before the concerned authority and the order of transfer was passed only after completion of his tenure of 3 (three) years in his present place of posting and accordingly, there cannot be any reason for retaining the petitioner in his present place of posting, where release order has already been passed by the authority on 18.09.2024. Ms. Ete, learned Additional Senior Government Advocate further submitted that she has no objection if any direction is given to the respondent Nos. 1 & 2 to consider the representation of the petitioner, which is pending since 25.09.2024.

6. Considering the submissions made by the learned counsels for both sides and on perusal of the entire case record, the present writ petition is disposed of at the motion stage itself, with a direction to the respondent authorities, i.e. the respondent Nos. 1 & 2 to consider and dispose of the representation filed by the petitioner on 25.09.2024, in accordance with law, within a period of 30 (thirty) days from today.

7. The writ petition stands disposed of, in terms above.

JUDGE

Comparing Assistant