

GAHC040014752024



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

**Case No. : WP(C)/501/2024**

Tara Tana  
Son of Shri Tallang Tana, resident of Village Nangmia, PO and PS Pakke Kessang,  
District Pakke Kesang , Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors  
represented by its Commissioner (Health) Itanagar.

2:The Director of Health Service  
Age: 0  
Occupation :  
Govt of Arunachal Pradesh  
Naharlagun.

3:The District Medical Officer  
Age: 0  
Occupation :  
Pakke Kessang Lemmi  
PO  
PS and District Pakke Kessang  
Govt of Arunachal Pradesh 79010

**Advocate for the Petitioner** : Uttam Deka, Tadar Bai, Wanglat Khomrang, Nannu Yubi, Tame  
Rimi, Chorpok Modi

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

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 05-11-2024**

Heard Mr. U. Deka, learned counsel for the petitioner. Also heard Mr. T. Tagum, learned Standing counsel for the Health Department representing 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. MEST-2019/846(Pt), dated 18.09.2024, issued by the Joint Director Health Services (Jt. DHS), whereby, the petitioner, who is serving as Health Assistant (Jr.) under Community Health Centre Pakke Kessang has been transferred from Pakke Kessang District to Anjaw District and the release order No. MEST-05/2019/226 dated 18.10.2024 issued by the District Medical Officer (DMO) Pakke Kessang.

3. It is the case of the petitioner that he was not aware of the transfer order issued against him on 18.09.2024 and he came to know about his transfer order only when he received the release order dated 18.10.2024. Immediately after receipt of the release order, he filed a representation before the Department concerned for retaining him at Pakke Kessang District on medical ground.

4. Mr. Deka, learned counsel for the petitioner submits that the petitioner is suffering from hair cancer, requiring regular visits to R. K. M. Hospital in Itanagar, which is conveniently accessible from his present place of posting.

However, the transfer order to Anjaw would make hospital visits for his treatment difficult, as it is quite far from Itanagar. Additionally, the petitioner bears the responsibility of caring for his ailing parents, as there is no one else to do so. The petitioner has filed a representation on 19.10.2024, highlighting the medical grounds before the concerned authority but the same has been intentionally ignored and as such, he prays that a direction be issued to the concerned authorities to dispose of the representation, submitted by him. Mr. Deka further submits that though his release order was issued on 18.10.2024, 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. Mr. T. Tagum, learned Standing counsel for the Health Department submits that the Department has already issued the release order and consequently, his entire service record has already been transferred to his new place of posting. Hence, the Department is not in a position to pay his salary etc. from his earlier place of posting. Furthermore, Mr. Tagum submits that 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 earlier place of posting. Mr. Tagum, learned Standing counsel further submits that he has no objection if any direction is given to the respondent authorities to consider the representation of the petitioner, which is pending since 19.10.2024.

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, to consider and dispose of the representation filed by the petitioner on 19.10.2024,

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**