

GAHC040016902024



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

Case No. : WP(C)/579/2024

Bamang Taba
Son of Shri Bamang Talang, serving as Extension Officer (RE) CD Block, Sangram,
Department of Rural Development, Govt of Arunachal Pradesh, Kurung Kumey
District.

VERSUS

The State of AP and 3 Ors
represented by the Secretary, Department of Rural Development, Govt of Arunachal
Pradesh, Itanagar. 2:The Director
Age: 0
Occupation :
Rural Development Department
Govt of Arunachal Pradesh
Itanagar.

3:The Project Director (RD)
Age: 0
Occupation :
Department of Rural Development
Govt of Arunachal Pradesh
Kurung Kumey District
Koloriang
Arunachal Pradesh.

4:Hillang Tutu
Age: 0
Occupation :
Junior Engineer
Water Resource Department
Sangram sub Division
Koloriang
Kurung Kumey district
Arunachal Pradesh

Advocate for the Petitioner : Lissing Perme, Signal Yirang, William Yirang, T Tagam, I P Tsering, A Perme, Tabung Nonang, Wintet Sawin, Krishna Dubey

Advocate for the Respondent : Binter Picha, SC (RD)

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

06.12.2024

Heard Mr. L. Perme, learned counsel for the petitioner and Mr. B. Picha, learned Standing Counsel for the respondent Nos. 1, 2 & 3 of the Rural Development Department.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has challenged the correctness or otherwise of the impugned Order No. KKD/PD(RD)/ESTT-10, dated 16.09.2024, issued by the Project Director (RD), Koloriang, Kurung Kumey District, Government of Arunachal Pradesh.

3. It is to be noted here that vide impugned Order No. KKD/PD(RD)/ESTT-10, dated 16.09.2024, the Project Director (RD), Koloriang, Kurung Kumey District, Government of Arunachal Pradesh has assigned respondent No. 4 to look after the charge of EO(RE) in CD-Block Sangram under R.D. Department, from the petitioner.

4. Mr. Perme, learned counsel for the petitioner submits that vide Common Transfer Order dated 11.11.2023, the petitioner was transferred and posted at Sangram Block of Kurung Kumey District and since 04.01.2024, the petitioner was discharging his duty as EO(RE) in CD-Block Sangram under R.D. Department. But, vide impugned order dated 16.09.2024, the Project Director (RD), Koloriang, Kurung Kumey District has assigned respondent No. 4 to look after the charge of

EO(RE) in CD-Block Sangram, under R.D. Department, without any authority and that such power is only with the Secretary and Director of Rural Development Department to the Government of Arunachal Pradesh and as such, the impugned order dated 16.09.2024, is illegal and arbitrary. Mr. Perme further submits that on receipt of the impugned order the petitioner has filed one representation before the Director of Rural Development Department to the Government of Arunachal Pradesh, on 07.10.2024. On the basis of said representation, the Director of Rural Development Department to the Government of Arunachal Pradesh has issued show cause notice to the respondent No. 3, the Project Director (RD), Koloriang, Kurung Kumey District. On such count, Mr. Perme has contended to allow the petition by setting aside the impugned order dated 16.09.2024.

5. Per-contra, Mr. Picha, learned Standing Counsel of the Rural Development Department submits that the respondent No. 3 has no authority to pass such an order, as the power of transfer and posting is vested only with the Secretary and Director of Rural Development Department to the Government of Arunachal Pradesh. On such count, Mr. Picha submits that he has no objection in the event of setting aside the impugned order dated 16.09.2024.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the impugned order dated 16.09.2024.

7. Admittedly, the respondent No. 3 has no authority to pass such an order, by which he had allowed the private respondent No. 4 to look after the charge of EO(RE) in CD-Block Sangram under R.D. Department and for which, the Director of Rural Development Department to the Government of Arunachal Pradesh has issued a show cause notice to the respondent No. 3, on the basis of the representation submitted by the petitioner on 07.10.2024. The impugned order

dated 16.09.2024, is, thus, ex-facie illegal and arbitrary, having been passed by the respondent no. 3 without any authority.

8. Having considered the submissions of learned counsel for both the parties and also considering all the facts and circumstances on the record and as agreed upon by learned counsel for both the parties, this court is inclined to dispose of this writ petition at this motion stage itself, by setting aside the impugned order dated 16.09.2024.

9. In terms of above, this writ petition stands disposed of at this motion stage itself.

10. The parties have to bear their own cost.

Comparing Assistant

JUDGE