

GAHC010059072024



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

Case No. : WP(C)/1610/2024

MUKTAR UDDIN AHMED
S/O- LATE HAJI ABDUL MAZID,
R/O- VILLAGE KHANG KHANG GAON, P.O- KHARIKHANA BAZAR,
P.S- LANKA, DIST- HOJAI, PIN-782446, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT
DISPUR, GUWAHATI-06

2:THE SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GUWAHATI-6

3:THE UNDER SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GUWAHATI-6

4:THE BLOCK DEVELOPMENT OFFICER
DOLONGHAT DEVELOPMENT BLOCK
NAGAON
PIN-782143
ASSA

Advocate for the Petitioner : MS D BORGOHAIN

Advocate for the Respondent : SC, P AND R.D.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.05.2024

Heard Ms. D. Borgohain, learned counsel for the petitioner. Also heard Mr. P. Handique, learned Standing Counsel, Panchayat & Rural Development (P&RD) Department.

2] This writ petition has been preferred by the petitioner challenging the notification dated 12.03.2024 by which several officers were transferred including the petitioner. Name of the petitioner is found at Serial No.41 and he was transferred from Dolongghat Development Block, Nagaon to Diyunbra Development Block, Dima Hasao. The petitioner is working as an Assistant Executive Engineer under the Panchayat & Rural Development Department. The transfer of the writ petitioner is challenged on the ground that only on 17.07.2023 the petitioner was transferred and posted as an Assistant Executive Engineer in Dolongghat Development Block, Nagaon and in violation of the guidelines governing transfers by the Government, the petitioner was again transferred to Diyunbra Development Block, Dima Hasao. It is submitted that without taking into consideration the policy decision of the State wherein it is stated that no officer shall be transferred out of the district within 3 (three) years without approval of the of the Chief Minister of the State had been flouted. Learned counsel for the petitioner submits that to the best of the knowledge of the writ petitioner no such approval was obtained and within 7 (seven) months of the earlier transferred, the writ petitioner was transferred out

again purportedly in public interest. Being aggrieved, he had preferred a representation dated 13.03.2024 before the Principal Secretary, P&RD Department requesting for reconsideration of the transfer order. It is submitted that the said representation dated 13.03.2024 has remained pending without being disposed. Being aggrieved, the petitioner has approached this Court by filing the present writ petition.

3] Notice although was not issued in the matter, this Court by order dated 20.03.2024 while permitting the respondents to complete their instructions directed status quo to be maintained. Status quo order came to be extended subsequently.

4] Today Mr. P. Handique, learned Standing Counsel, P&RD submits that although he sought for instructions, the same are still awaited. He however, submits that considering the fact that there is a representation pending the writ petition can be closed with a direction to the Principal Secretary, P&RD to dispose of the representation dated 13.03.2024.

5] The submission of the learned Standing Counsel, P&RD Department is not objected to by the learned counsel for the petitioner.

6] Considering the fact that in spite of opportunity being granted to the learned Standing Counsel, P&RD, instructions are still awaited and also taking into consideration the submissions at the Bar, this Court considers it appropriate to dispose of the matter at this stage directing the Principal Secretary, P&RD Department to expeditiously dispose of the representation dated 13.03.2024 filed by the writ petitioner examining his prayers for reconsideration of the transfer order issued vide notification dated 12.03.2024. Any such order that is passed by the Principal Secretary, P&RD Department, a copy thereof shall be

served to the writ petitioner. The above directions be carried out within a period of 45 (forty-five) days from the date of receipt of certified copy of this order.

7] Until the speaking order is passed by the P&RD Department on the representation dated 13.03.2024 filed by the petitioner, the *status quo* order shall operate.

8] With the above observation, the writ petition stands closed.

JUDGE

Comparing Assistant