

GAHC010059432024



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

Case No. : WP(C)/1639/2024

DHIREN BHARALI
S/O- SRI DHANO RAM BHARALI, VILL.- KAIHATI, P.O. SOLMARA, DIST.
NALBARI, ASSAM, PIN- 781338.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT, DISPUR,
GHY-6.

2:THE COMMISSIONER

DEPARTMENT OF PANCHAYAT AND RURAL DEVELOPMENT
ASSAM
PANJABARI
GHY-37.

3:THE SECRETARY
GOVT. OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT
DISPUR
GHY-6.

4:BLOCK DEVELOPMENT OFFICER
DIMORIA DEVELOPMENT BLOCK
KAMRUP(M)
ASSAM

5:BLOCK DEVELOPMENT OFFICER
BALIJANA DEVELOPMENT BLOCK
GOALPARA

ASSAM

6:BLOCK DEVELOPMENT OFFICER
BIHDIA JAJIKONA DEVELOPMENT BLOCK
KAMRUP
ASSAM

7:KHANINDRA SARMA
ASST. EXECUTIVE ENGINEER
DIMORIA DEVELOPMENT BLOCK
KAMRUP(M)
ASSAM
RESIDENT OF LAKHIMI PATH
HATIGAON
GUWAHATI
KAMRUP(M)
ASSAM
PIN- 781038

Advocate for the Petitioner : MR C GOSWAMI

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.04.2024

Heard Mr. C. Goswami, learned counsel for the petitioner. Also heard Mr. P. Handique, learned Standing Counsel, Panchayat & Rural Department (P&RD).

2] This writ petition is filed by the petitioner aggrieved by the fact that pursuant to the common transfer order issued on 12.03.2024 (Annexure-A of the writ petition), whereby the petitioner was transferred and posted at Diomoria Development Block, Kamrup (M) attached to SIPRD from Bhidia

Jajikona Development Block, Kamrup. He was subsequently released from his posting at Bhidia Jajikona Development Block, Kamrup to enable him to join in his new place of posting i.e. Diomoria Development Block, Kamrup (M). After having joined in his new place of posting, he was surprised when he was served with a subsequent transfer order dated 15.03.2024 (Annexure-J of the writ petition), whereby the petitioner's transfer order was modified and he was transferred and posted at Balijana Development Block, Goalpara.

3] Learned counsel for the petitioner submits that the petitioner having rendered his service to the satisfaction of all concerned has not been informed as to why 2 (two) transfer orders were issued within a period of less than 10 days. No reasons have been given as to why the petitioner's earlier transfer order was modified by the impugned transfer order dated 15.03.2024. He had ventilated his grievances before the Principal Secretary, Government of Assam, Panchayat and Rural Development Department by his representation dated 16.03.2024. It is submitted that his representation is not disposed of as a consequence thereof he has approached this Court for appropriate order and directions.

4] Mr. P. Handique, learned Standing Counsel, P&RD submits that he has no instructions at this stage. However, in view of the representation dated

16.03.2024 stated to be filed before the Principal Secretary, Government of Assam, P&RD Department which is stated to be pending, it is submitted that the writ petition can be disposed of with a direction to the Principal Secretary, Government of Assam, P&RD Department to examine the matter and dispose of the said representation.

5] Having heard the learned counsel for the parties and taking into consideration their submissions made as well as the pleadings on record, this Court is of the view that since the representation has already been filed and the same is stated to be pending before the Principal Secretary, Government of Assam, P&RD Department, let the matter be examined by the Principal Secretary, Government of Assam, P&RD Department as to why the earlier order of transfer dated 12.03.2024 in respect of the writ petitioner required subsequent modification and the reasons therefor. The Principal Secretary, Government of Assam, P&RD Department will examine the matter and pass a speaking order on the representation dated 16.03.2024. Any such speaking order thereof is passed shall be informed to the writ petitioner. The exercise shall be completed by the Principal Secretary, Government of Assam, P&RD Department within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order. However, till the disposal of the representation dated 16.03.2024, the impugned transfer order dated 15.03.2024 in respect of the

writ petitioner is concerned shall remain stayed.

6] In terms of the above, the writ petition stands disposed of.

JUDGE

Comparing Assistant