

GAHC010234962024



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

Case No. : I.A.(Civil)/3423/2024

PANKAJ KALITA
SON OF LATE SATISH CHANDRA KALITA, RESIDENT OF VILLAGE- HAJO,
P.S. HAJO, DISTRICT- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SPECIAL CHIEF SECRETARY (FOREST) TO THE
GOVERNMENT OF ASSAM, ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, GUWAHATI-06

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GAUHATI-06

3:THE JOINT SECRETARY TO THE GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GAUHATI-06

4:THE PRINCIPAL CHIEF CONSERVATOR OF FOREST AND HEAD OF
FOREST FORCE
ASSAM
ARANYA BHAWAN
GAUHATI-37

5:THE ADDL. PRINCIPAL CHIEF CONSERVATOR OF FOREST (T)
LOWER ASSAM ZONE
BASISTHA
GAUHATI- 29

6:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
DISTRICT- KAMRUP
ASSAM
PIN-

7:THE DIVISIONAL FOREST OFFICER
KARIMGANJ DIVISION
KARIMGANJ
DISTRICT- KARIMGANJ
ASSAM
PIN

Advocate for the Petitioner : MR. J AHMED, MR. J AHMED,R BEGUM,MS A HUSSAIN,H G DAISY

Advocate for the Respondent : SC, FOREST,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

12.11.2024

Heard Mr. S. Dutta, learned senior counsel assisted by Mr. J. Ahmed, learned counsel appearing for the applicant/writ petitioner. Also heard Mr. D. Gogoi, learned Standing Counsel, Forest Department, Assam appearing for the respondents.

This I.A. arising out of WP(C) No.5015/2024 has been filed seeking an interim direction from this Court directing the authorities to allow the petitioner to join as Assistant Conservator of Forest in the office of the Divisional Forest Officer, North Kamrup Division, Rangia in terms of the transfer order dated 10.09.2024.

It appears that after the transfer order dated 10.09.2024 was issued by the departmental Secretary posting the applicant in the North Kamrup Division, another order dated 22.09.2024 was issued by the Joint Secretary of the

Department, modifying the order dated 10.09.2024 and posting the petitioner as Assistant Conservator of Forest in the office of the Additional Principal Chief Conservator of Forest, SF, Aranya Bhawan, Guwahati. The applicant, as writ petitioner, has challenged the order dated 22.09.2024 by filing WP(C) No.5015/2024. By the interim order dated 26.09.2024, operation of the impugned order dated 22.09.2024 has been stayed by this Court. The grievance of the petitioner is that despite the order passed by this Court, he has not been allowed to join in his original place of posting in terms of the order dated 10.09.2024.

Mr. Gogoi, learned departmental counsel submits that due to the interim order of this Court there is some confusion as to whether, the petitioner should be permitted to join in the office of the Divisional Forest Officer, North Kamrup Division, Rangia in terms of the order dated 10.09.2024 during the pendency of the writ petition. Hence, this situation.

After going through the materials available on record, I find that the petitioner was originally transferred and posted at the North Kamrup Division as Assistant Conservator of Forest vide transfer order dated 10.09.2024. Subsequently, on 22.09.2024, which was a Sunday, another order was passed by the Joint Secretary, modifying the earlier transfer order. However, as noted above, the order dated 22.09.2024 has been stayed by this Court by the interim order dated 26.09.2024. If that be so, there can be hardly any doubt about the fact that the order dated 10.09.2024 is holding the field as on date. Such being the position, the respondents are duty bound to allow the petitioner to join at North Kamrup Division and permit him to discharge his duties therein until such time the order dated 10.09.2024 is modified or interfered with by following the due

process of law. Such a recourse will, however, be subject to the final orders that may be passed in the pending writ petition.

With the above observation, the I.A. stands disposed of.

JUDGE

Comparing Assistant