GAHC040018102026

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

Case No. : WP(C)/533/2026

Pura Khonkhu
Son of Late Pura Koji, Executive Engineer (Electrical), Seppa Electrical Division, Department of Power, Govt of Arunachal Pradesh, Seppa, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Commissioner/ Secretary (Power), Govt of Arunachal Pradesh, Itanagar. 2:The Chief Engineer (E)
Age: 0
Occupation :
Western Zone
Department of Power
Govt of Arunachal Pradesh
Itanagar.

3:The Superintendent Engineer (E)
Age: 0
Occupation :
Arunachal Pradesh Electrical Circle No.VIII
Ziro
Department of Power
Govt of Arunachal Pradesh
Subu
Seppa
East Kameng District
Arunachal Pradesh.

4:Ripon Kabak
Age: 0
Occupation :
Assistant Engineer (Planning)

Capital Electrical Division
itanagar
presently posted as In Charge Executive Engineer
Seppa Electrical Division
Department of Power
Seppa
East Kameng District

Advocate for the Petitioner : Tambo Tamin,

Advocate for the Respondent : Lissing Perme, Gichik Kaku,Taja Garam,SC(Power)

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 05.11.2026

Heard Mr. T. Tamin, learned counsel for the petitioner. Also heard Mr. S. Yirang, learned counsel appearing on behalf of Mr. L. Perme, learned Standing Counsel, Power Department, for respondent Nos. 1, 2 & 3, and Mr. T. Garam, learned counsel for respondent No. 4.

2. Challenge made in this writ petition is to the Order No. Power-12015/10/2022(75155)/7000-7010, dated 13.10.2026, issued by the Commissioner (Power), Government of Arunachal Pradesh, Itanagar, whereby 3 (three) officers, i.e. 1 (one) Executive Engineer and 2 (two) Assistant Engineers, have been transferred and posted to different places, including the petitioner, who has been transferred from the post of Executive Engineer (E), Seppa Electrical Division, to the Office of the Chief Engineer (Power), Western Electrical Zone, Itanagar, as Executive Engineer (Planning). The petitioner is essentially aggrieved by the issuance of the said transfer order during his sanctioned leave period and also by the manner in which respondent No. 4, who is an Assistant

Engineer, has been allowed to take over the charge of Executive Engineer (E), Seppa Electrical Division, in a hurried manner.

3. Having considered the nature of grievance raised in this petition and as agreed to by the learned counsel for the parties, this writ petition is taken up for disposal at the motion stage itself.

4. The petitioner, who is serving as Executive Engineer (E) in the Department of Power, Government of Arunachal Pradesh, at Seppa Electrical Division, has been transferred and posted as Executive Engineer (Planning) in the Office of the Chief Engineer (Power), Western Electrical Zone, Itanagar, by the Commissioner (Power), Government of Arunachal Pradesh, vide order dated 13.10.2026. By the same order, respondent No. 4, who is serving as Assistant Engineer (Planning) in the Office of the Executive Engineer (E), Capital Electrical Division, Itanagar, has been transferred and posted to the Office of the Executive Engineer (E), Seppa Electrical Division, where the petitioner is presently serving as Executive Engineer (E).

5. It is the case of the petitioner that he had proceeded on sanctioned Earned Leave for 16 (sixteen) days w.e.f. 09.10.2026 to 24.10.2026, on domestic ground, vide order dated 12.10.2026, issued by the Superintendent Engineer (E), APEC-VIII. However, during the said leave period, the respondent authorities, by the impugned transfer order, has sought to transfer the petitioner from the post of Executive Engineer (E), Seppa Electrical Divison, to the Office of the Chief Engineer (Power), Western Electrical Zone, Itanagar, as Executive

Engineer (Planning), allegedly without any public interest. Simultaneously, while posting the petitioner, the respondent No. 4, who is serving as Assistant Engineer (Planning) in the Office of the Executive Engineer (E), Capital Electrical Division, Itanagar, has been transferred and posted as Assisted Engineer (Planning) in the Office of the Executive Engineer (E), Seppa Electrical Division, and has also been allowed to take over the charge of the Executive Engineer (E) of the Seppa Electrical Division, the post which the petitioner is holding, although on a short term interim arrangement basis. According to the petitioner, the aforesaid action of the respondent authorities clearly indicates that the transfer of the petitioner was intended to accommodate respondent No. 4, without there being any genuine public interest. It is further contended that the respondent authorities have not even allowed the petitioner to complete his sanctioned leave, which was duly approved by the competent authority, which amounts to arbitrary action on the part of the respondent authorities.

6. Mr. T. Tamin, learned counsel for the petitioner, fairly submits that the petitioner has completed more than 8 (eight) years at his present place of posting as Executive Enginer (E), Seppa Electrical Division. However, the petitioner is aggrieved by the manner in which he has been sought to be transferred and respondent No. 4, who is an Assistant Engineer, has been allowed to take over the charge of Executive Engineer (E), Seppa Electrical Division, during his sanctioned leave period. Therefore, he submits that the representation submitted by the petitioner may be directed to be considered and disposed of taking into account the manner in which the impugned transfer has been effected.

7. The learned counsel for the respondents have submitted that the

impugned transfer order has been issued in the interest of public service and the petitioner has already completed more than the normal tenure at Seppa Electrical Division having served there for 8 (eight) long years. It is submitted that they would not have any objection if this Court directs the respondent authorities to consider and dispose of the representation submitted by the petitioner on its own merit without interfering with the transfer and posting order of the petitioner as well as the respondent No. 4.

8. Considered the submissions of learned counsel for the parties and also perused the materials available on record.

9. As fairly admitted by the learned counsel for the petitioner and is evident from the materials on record, the petitioner has completed more than 8 (eight) years at Seppa Electrical Division as an Executive Engineer(E). It is also admitted position that the petitioner was granted Earned Leave for 16 (sixteen) days w.e.f. 09.10.2026 to 24.10.2026. The impugned transfer order was issued on 13.10.2026 during the currency of the sanctioned leave period of the petitioner. It is also reflected that the respondent No. 4 has been allowed to look after the charge of Executive Engineer (E), Seppa Electrical Divisoin, on a short term interim arrangement basis till posting of regular Executive Engineer. Although the arrangement allowing respondent No. 4 to look after the charge of Executive Engineer (E), Seppa Electrical Division, is stated to be a short-term interim arrangement, the respondent authorities ought to have allowed the petitioner to complete his sanctioned leave period, which had been duly approved by the competent authority. Thus, the manner in which the petitioner has been transferred, particularly during the currency of his sanctioned leave, does not appear to be appropriate. However, considering the fact that the

petitioner has already completed more than 8 (eight) years at Seppa Electrical Division as Executive Engineer (E), no relief could be granted to the petitioner allowing him to continue at his present place of posting at Seppa.

10. Having considered the fair submissions made by the learned counsel for the parties and taking note of the grievance raised by the petitioner with regard to the manner in which he has been transferred and respondent No. 4 has been allowed to take over the charge of Executive Engineer (E), Seppa Electrical Division, without entering into the merits of the matter, I deem it appropriate to dispose of this writ petition with a direction to the respondent authorities to consider and dispose of the representation dated 26.10.2026, submitted by the petitioner.

11. Accordingly, the Commissioner (Power), Government of Arunachal Pradesh, is directed to consider and dispose of the representation dated 26.10.2026, submitted by the petitioner, within a period of 10 (ten) days from today. It is provided that till the representation is disposed of by the Commissioner (Power), Government of Arunachal Pradesh, status quo as on today shall be maintained.

12. Writ petition stands disposed of in terms above.

JUDGE

Comparing Assistant