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# IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA: MIZORAM AND ARUNACHAL PRADESH)
## ITANAGAR PERMANENT BENCH

**Appeal From**
**Writ Petition (Civil)**

wp (c) No. 238 (AP) 2010

Shri Jobom Bam — **Appellant** / **Petitioner.**

**-Versus-**

State of AP & 3 ors. — **Respondent** / **Opposite Party.**

**Counsel for the Appellant**
**Petitioner.**

Mr. K. Ete.
" N. Ratan
" M. Kato
" K. Tasso
" D. Padu
" G. Kato.

**Counsel for the Respondent**
**Opposite Party.**

GA(AP).
Mr. N. Pada
" D. Pada } for R-3.
" T. Tabing

| Noting by Officer or Advocate | Serial No. | Date | Office note, reports, orders or proceeding with signature |
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| (1) | (2) | (3) | (4) |
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IN THE MATTER OF:

Shri Jobom Bam
Son of Shri Tope Bam
Permanent resident of Bam village,
Basar, P.O.& P.S. Basar, West Siang District,
Arunachal Pradesh.
Presently serving as Assistant Engineer(C)
Department of Hydro Power Development,
Govt. of Arunachal Pradesh, Changlang. 8.

.....Petitioner

-VERSUS-

1. The State of Arunachal Pradesh represented by the Secretary (Power), Government of Arunachal Pradesh, Itanagar.

2. The Chief Engineer
   Department of Hydro Power Development,
   Govt. of Arunachal Pradesh, Itanagar.

3. Shri Phosum Khimum
   Hon'ble MLA and Parliamentary Secretary
   Geology & Mining, Arunachal Pradesh
   Itanagar.

4. Shri B.K. Roy
   Assistant Engineer (C), Department of Hydro Power Development, Govt. of Arunachal Pradesh, Changlang Civil Sub-Division, Changlang District, Changlang,
   Arunachal Pradesh.

.....Respondents.

**BEFORE**
**THE HON'BLE MR. JUSTICE HRISHIKESH ROY**

**18.1.2011**

The petitioner challenges the order dated 12th July 2010 (Annexure-4) of the Secretary (Power) to the Government, whereby, notwithstanding the earlier transfer order dated 9.7.2010 (Annexure-2) of the petitioner from Zero to Changlang, he is ordered to be retained at Zero Civil Division as ASW (C) and corresponding retention of the respondent No.4 at Changlang Civil Sub-Division, was ordered in public interest.

2. Mr. K. Ete, learned Counsel appearing for the petitioner submits that in pursuant to the earlier transfer order dated 9.7.2010, the petitioner had joined at Changlang on 13.7.2010 and the continuance of the private respondent No.4 at Changlang is unjustified as he has already served 4 (four) years at Changlang. Mr. Ete has also produced a copy of the order dated 28.8.2010 passed by the Executive Engineer, Bordumsa Division, whereby, in pursuant to this Court's interim order dated 19.7.2010, arrangement has been made for functioning of the writ petitioner as well as the private respondent No.4, within the administrative jurisdiction of the Bordumsa Division, till disposal of the present writ petition.

3. The petitioner had challenged the impugned order of retention of the respondent No.4 on the ground that the same was at the behest of the Parliamentary Secretary representing the Changlang South Constituency (respondent No.3) and there was no element of public interest in the retention of the said respondent at Changlang.

4. However Mr. R.H. Nabam, learned Senior Government Advocate points out from the State's counter affidavit, that the movement of the petitioner from Zero was unjustified as he was yet to complete the prescribed 2 (two) years probation period at Zero where he joined in August 2009 and the petitioner orchestrated his transfer through political influence, to secure an independent charge for himself at Changlang without completing his probation service.

5. Mr. N. Pada, learned Counsel appearing for the respondent No.3 submits that the request for retention of the respondent No.4 was made in public interest because of ongoing projects and accordingly the Chief Minister by his order dated 12.7.2010, had ordered retention of the respondent No.4 at Changlang, until further orders.

6. Having regard to the contention(s) raised by the rival Counsels and considering the fact that it is for the State Authorities to decide on posting and transfers of its officers and Court's intervention is circumscribed in such matters, I am of the view that the State Authorities should be asked to pass appropriate orders for posting of the petitioner Shri Jobom Bam and the respondent No.4 Shri B.K. Roy. It is ordered accordingly. Until the State Authorities pass appropriate posting orders, the functioning of the 2 (two) officers shall be governed by the office order dated 28.8.2010 issued by the Executive Engineer, Bordumsa Division. The case is disposed of accordingly.

7. A copy of the office order dated 28.8.2010 of the Executive Engineer be kept in the case record.

JUDGE

*Datta*