THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA MIZORAM AND ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH
NAHARLAGUN

Appeal from
Writ Petition (Civil)

WPC No. 24 ... (AP) 2011

Shri Hibu Dolley

Appellant
Petitioner

-Versus-

State of AP & 3 ors.

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

N. Tagja
H. Lampu

Counsel for the Respondent
Opposite Party G.A (AP)

Noting by Officer or Advocate	Serial No.	Date	Office,note,reports,orders or Proceeding with signature
(1)	(2)	(3)	(4)

IN THE MATTER OF:

1. Shri Hibu Dolley

   Land Record & Settlement Officer (LR&SO), West Siang District, Aalo,

   Arunachal Pradesh.

.....Writ Petitioner

-Versus-

1. The State of Arunachal Pradesh represented by the Commissioner (Land Management), Govt. of Arunachal Pradesh, Itanagar.
2. The Director of Land Management, Govt. of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner, West Siang District, Aalo, Arunachal Pradesh.
4. Shri Pumek Ronya

   Land Record & Settlement Officer (LR&SO), Tirap District Khonsa,

BEFORE
THE HON'BLE MR. JUSTICE HRISHIKESH ROY

18-01-2011

Heard Mr. N Tagia, learned counsel appearing for the petitioner. Also heard Mr. R H Nabam, learned senior Govt. Advocate appearing for the State Authorities.

2. The petitioner who is serving as the *Land Record & Settlement Officer* at Aalo challenges the order dated 23.11.2010 whereby, he has been transferred to Khonsa and his counter part has been transferred to his post at Aalo.

3. By referring to the Government circular dated 2.6.1998, Mr. Tagia, the learned counsel contends that since Aalo is in the home district of respondent No.4, being a Group "B" Officer, he could not have been transferred to the West Siang district. The request of the Dy. Commissioner, Aalo to his counterpart at Khonsa for deferring movement of the transferred incumbents, as the petitioner is engaged in urgent works pertaining to Hydro Electric Project / acquisition of land for the Army, BRTF, etc. is also pointed out by the learned counsel.

4. It appears that although the order of transfer was issued in the month of November 2010, the same has not been given effect to and the representation filed by the petitioner on 6.12.2010 citing, *inter alia,* the disruption of studies of his children and nephew, who are studying at Aalo, in the middle of the academic year, is yet to be considered by the Director of Land Management.

5. Mr. R H Nabam, learned Govt. Advocate submits that the representation ought to have been addressed to the Commissioner

and Secretary to the Govt. of Arunachal Pradesh, Department of Land Management and the Director is not the competent Authority to consider the representation against the impugned order. The learned Govt. Advocate further submits that if a fresh representation is filed before the Competent Authority, the same will receive consideration.

6. Having regard to the contention raised by the petitioner and the ban on posting of Group "B" Officers in their home Districts prescribed by the Govt. Circular dated 2.6.1998 (Annexure-4), I feel that the Commissioner and Secretary to the Govt. of Arunachal Pradesh, Department of Land Management, should consider the grievances of the petitioner.

6. Accordingly petitioner is granted time until 24.1.2011 to place his representation with all his grievances before the aforesaid Authority and the same be considered and disposed of with a speaking order, after affording an opportunity to the respondent No.4 Sri Pumek Ronya, who has been transferred purportedly to his home District.

8. As the impugned transfer order dated 23.11.2010 has not been given effect to, the same shall be kept in abeyance until the representation of the petitioner is ordered on merit by the competent Authority.

9. The case is accordingly disposed of with the above order.

JUDGE

Barman