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. 25 (AP) 2011

Shri Yie Riram
-Versus-
State of AP & 3 ors

Appellant
Petitioner

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

IK. Ete
N. Rodan
M. Kado
K. Tasso
D. Padu
G. Ngomdir

Counsel for the Respondent
Opposite Party

GA (AP)

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

-AND-

IN THE MATTER OF:

Shri Yie Riram
S/o Late Laryi Riram
Permanent resident of Sago village,
West Siang District,Arunachal Pradesh
And presently serving as Senior Malaria
Inspector, Community Health Center,
Basar, West Siang District, A.P
.....PETITIONER

-versus-

1. The State of Arunachal Pradesh represented by the Secretary, Health & Family Welfare, Govt. of Arunachal Pradesh, Itanagar.

2. The Director of Health Services,
Govt. of Arunachal Pradesh, Itanagar.

3. The District Medical Officer,
West Siang District, Aalo,
Arunachal Pradesh.

4. Shri G.R. Pigia,
Senior Malaria Inspector,
Muri Mugli PHC,
P.O/P.S- Puchi Geko, Upper Subansiri
District, Arunachal Pradesh.

.....RESPONDENTS.

WP(C) No.25 (AP)/2011

BEFORE
THE HON'BLE MR. JUSTICE HRISHIKESH ROY

19-01-2011

Heard Mr. K Ete, learned counsel appearing for the petitioner. Also heard Mr. R H Nabam, learned senior Govt. Advocate representing the official respondents.

2. The petitioner who was posted on promotion on 15.9.2010 as Senior Malaria Inspector (SMI) in the Community Health Center at Basar challenges the transfer order dated 6.12.2010 (Annexure—4), whereby he has been transferred to the office of the DMLO, Daporijo.

3. It is pointed out by Mr. K Ete, learned counsel for the petitioner that respondent No.4 Shri GR Pigia was to move first and replace the petitioner at Basar and the said officer is yet to arrive at Basar and accordingly, notwithstanding the unilateral release of the petitioner on 15.12.2010, the petitioner is continuing to function as the SMI at Basar. The learned counsel also submits that the petitioner has completed barely 14 months at Basar and his children are studying in the Basar Higher Secondary School and the transfer of the petitioner in the middle of the academic term is going to cause him serious difficulties. He points out that the representation filed by the petitioner against the transfer order is yet to be considered by the Director of Health Services, Arunachal Pradesh.

4. Mr. R H Nabam, learned Govt. Advocate submits that the prescribed normal tenure of 2 years in a station is not mandatory and for administrative exigencies, the Government can always

transfer an Officer. However the learned Government Advocate has no objection in consideration of the representation filed by the petitioner against the impugned transfer order.

5. In view of above, the Director of Health Services (DHS) (Respondent No.2) is directed to consider the representation filed by the petitioner against the transfer order dated 6.12.2010. The Director may pass a reasoned order after taking note of the petitioner's grievances. Until a decision is taken by the DHS, *status quo* prevailing as on today shall be maintained in respect of posting of the petitioner.

6. The case is accordingly disposed of with the above direction without any order of cost.

JUDGE

Barman