

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)

WP No. 499 (AP) 2010

Shri Chinging Tana
 -Versus-
 State of AP & 3 ors

Appellant
Petitioner

Respondent
Opposite Party

Counsel for the Appellant
Petitioner

H. Tangu
 H. Nikand
 P. Terind
 A.R. Michi
 L. Choda
 L. Tashi
 G. Lollen

Counsel for the Respondent
Opposite Party

GACAP)

| 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 Chiging Tana.

S/o Shri Chiging Tajo.

Permanent resident of Village
Dutta.

P/o & P/s Ziro.

District Lower Subansiri.

Arunachal Pradesh.

Presently posted at the office of
the Station Superintendent.

State Transport Service,
Itanagar.

P/o & P/s Itanagar.

District Papum Pare.

Arunachal Pradesh.

.....petitioner.

-Versus-

1. The State of Arunachal Pradesh,
represented the Secretary, State
Transport.
Government of Arunachal Pradesh.
Itanagar.

2. The Commissioner, State Transport.
Government of Arunachal Pradesh.
Itanagar.
3. The General Manager.
State Transport Service (STS).
Government of Arunachal Pradesh.
Papu Nallah (Naharlagun).
4. The Station Superintendent.
State Transport Service (STS).
Upper Subansiri District.
Daporijo.

..... Respondents.

WP(C) 499(AP)/2010

**BEFORE
THE HON'BLE MR JUSTICE IA ANSARI
:: O R D E R ::**

03.01.2011

Heard Mr. H. Tangu, learned counsel for the petitioner, and Mr. RH Nabam, learned Govt. Advocate, for the respondents.

By order, dated 15.05.98 (Annexure VI to the writ petition), the petitioner, while functioning as Mechanic Grade-II, in the State Transport Service, was promoted, on officiating basis, to the post of Mechanic Grade-I for a period of six months or till sitting of the next DPC, whichever is earlier. The petitioner does not know whether any DPC was held since after the order, dated 15.05.98, was passed to consider the cases for promotion from the post of Mechanic Grade-II to Mechanic Grade-I. By order, dated 19.02.99, respondent No.4, namely, Station Superintendent, State Transport Service, Upper Subansiri District, Daporijo, has reverted the petitioner to the post of Mechanic Grade-II on the ground that his promotion was for a period of six months and no order of continuation, on officiating basis, in the promotional post, had been obtained by the respondent No.4. The petitioner accordingly stands reverted to the post of Mechanic Grade-II. Aggrieved by the impugned order, dated 19.02.99, the petitioner has made several representations. Eventually, a Memorandum was issued, on 23.02.2010, by the respondent No.3 directing the respondent No.4 to show cause as to why action shall not be taken against him for passing the impugned order. The progress of the Memorandum, which was issued on 23.02.2010, is also not known to the petitioner. In fact, the petitioner has made no efforts to apply, even under the R.T.I., to find out whether or not the DPC, as indicated in the order, dated 15.05.98, was or was not held.

Considering, however, the fact that the petitioner was promoted to the post of Mechanic Grade-I from the post of Mechanic Grade-II, on officiating basis, till DPC was held and the petitioner's contention is that his reversion to the post of Mechanic Grade-II is not legal, this Court is of the view that the petitioner's grievances need to be looked into, determined and decided by the respondents, particularly, respondent No.3, namely, General Manager, State Transport Service, Govt. of Arunachal Pradesh.

In view of the above and in the interest of justice, this writ petition is disposed of with direction to the respondents, particularly, respondent No.3, namely, General Manager, State Transport Service, Govt. of Arunachal Pradesh, to examine the grievances of the petitioner and, then, pass

appropriate order(s) in this regard. The whole exercise, so directed, shall be completed within one month from the date of receipt of a certified copy of this order by the respondent No.3. The petitioner may furnish to the respondent No.3 a certified copy of this order along with a copy of the writ petition and annexures thereto. Whatever decisions is (are) reached by the respondent No.3 and whatever order(s) is (are) passed, in this regard, by the respondent No.3 and/or by any other respondents of this writ petition, the same shall be communicated, in writing, to the petitioner. If the petitioner feels aggrieved by the decision(s), which may be arrived at or by the order(s), which may be passed by the respondents, the petitioner shall remain at liberty to take recourse to such provisions of law as may be permissible.

The writ petition shall stand disposed of in terms of the above observations and directions.

JUDGE

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