

**IN THE GAUHATI HIGH COURT**  
**(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM &  
ARUNACHAL PRADESH)**

**[Itanagar Permanent Bench: Naharlagun]**

**WP(c) 105(AP)2017**

**Sri Yura Tagung**

Son of Late Yura Bochu  
Resident of Nirjuli, PO/PS - Nirjuli  
Papum Pare District, Arunachal Pradesh.

**.....Petitioner**

**- Versus -**

1. The State of Arunachal Pradesh represented by the Chief Secretary, Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.
2. The Principal Secretary, Department of Environment & Forest, Government of Arunachal Pradesh, Itanagar, Arunachal Pradesh.
3. The Commissioner and Joint Secretary to the Cabinet, Government of Arunachal Pradesh, Itanagar.
4. Sri Olom Panyang, Member of Legislative Assembly(MLA), PCCF(P&D), Chairman, Arunachal Pradesh Bamboo Research & Development Agency, Government of Arunachal Pradesh, Itanagar.

**.....Respondents**

Advocates for the Petitioner : Mr. Kento Jini  
Mr. Tadup Tana Tara  
Mr. Tamar Gadi  
Mr. Duksor Loyi  
Mr. J. Jini  
Mr. Binter Picha  
Mr. Gamken Bam

Advocates for the Respondents: Mr. Duge Soki, Addl. Sr. Govt. Advocate

**:::BEFORE:::**  
**HON'BLE MR. JUSTICE AJIT BORTHAKUR**

Date of hearing : 06.03.2018  
Date of Judgment & Order : 06.03.2018

**JUDGMENT & ORDER(ORAL)**

Heard Mr. Kento Jini, learned counsel, appearing on behalf of the petitioner. Also heard Mr. Duge Soki, learned Addl. Senior Government Advocate, appearing on behalf of State Respondents No. 1 to 3.

**2.** Since the instant petitioner Sri Yura Tagung has approached this Court for the second time, therefore, without taking the pain of travelling deep into the various facets of the matter, the case of the petitioner is summarized, very briefly, as under:

Prior to his appointment as Vice-Chairman as well as Chairman of the Arunachal Pradesh Bamboo Research & Development Agency(APBRDA, for short), the petitioner, an energetic Bamboo cultivator; was actively involved in motivating and encouraging the natives for growing Bamboo in the State of Arunachal Pradesh. His appointment as Chairman vide order, dated 16.11.2015, was made by the State Government, with immediate effect until further order, in recognition of his chosen work, with an honorarium of Rs. 50,000/- p.m. and other privileges at par the Secretary to the State Government. The appointment order was duly notified in the Arunachal Pradesh Gazette on 16.11.2015.

As per Article 8 of the Memorandum and Bye-Laws of the Arunachal Pradesh Bamboo Research & Development Agency(APBRDA), the Chairman and Vice-Chairman of the Agency shall hold the office for a period of 5 years and may be eligible for re-appointment, which goes to indicate that the petitioner shall hold the office of the Chairman of the said Agency, for a term of 5(five) years w.e.f. 16.11.2015 to 15.11.2020.

While the petitioner was continuing with his Chairmanship, he was terminated from the said post of Chairman by the State Government vide order, dated 15.02.2016, in the garb of public interest. Being highly aggrieved, he had filed the writ petition being WP(c)139(AP)2016, which was

disposed of by this Court, on merit, vide judgment & order dated, 10.08.2016.

The relevant paragraphs of judgment & order, dated 10.08.2016, are quoted hereunder for better appreciation of the matter:

**"26. Sofaras termination of the services of the petitioner Sri Yura Tagung, of WP(c) 139(AP)2016, as Chairman of Arunachal Pradesh Bamboo Research and Development Agency(ABRDA), is concerned, it is seen that there is no such provisions/rules that have been framed with regard to termination of the services of the Chairman or Vice-Chairman of the said Agency. In fact, as per Article 8 of the 'Memorandum of Association' of Arunachal Pradesh Bamboo Resources and Development Agency(APBRDA), it has been categorically stipulated that the Chairman and Vice Chairman of the Agency shall hold the office, for a period of 5(five) years and may be eligible for reappointment.**

**27. Situated thus, in view of the attending facts and circumstances of the case, at hand, the impugned order dated 15.02.2016, issued by the Chief Secretary to the Government of Arunachal Pradesh, terminating the appointment of Sri Yura Tagung, writ petitioner of WP(c) 139(AP)2016, as Chairman, of APBRDA, is hereby set aside and quashed. He shall, thus, continue to hold the post of Chairman of Arunachal Pradesh Bamboo Research and Development Agency(ABRDA). The petitioner Sri Tagung shall be paid the monthly emoluments and other financial benefits/arrears, as per his entitlement, if not yet paid to him, without further delay."**

In compliance to the above-mentioned judgment & order, the State Government reinstated the petitioner as Chairman, Arunachal Pradesh Bamboo Research & Development Agency(APBRDA) on 19.09.2016, with immediate effect. Since then, the petitioner was serving the Department with utmost diligence.

While the situation remained thus, all of a sudden, without giving any rhyme or reason, in writing, the petitioner was again terminated from the post of Chairman of the Agency vide order, dated 03.03.2017, by appointing the private Respondent No. 4, herein, that too, without serving any notice, affording an opportunity of hearing and most surprisingly, within the subsisting term of the petitioner as Chairman w.e.f. 16.11.2015 to 15.11.2020.

Being highly dis-satisfied with such arbitrary and illegal action of the authorities concerned, the petitioner has approached this Court, again, by way of preferring the present writ petition.

**3.** It is seen that by this writ petition, under Article 226 of the Constitution of India, the petitioner has sought for quashment of the impugned order, dated 03.03.2017, issued by the Chief Secretary to the Government of Arunachal Pradesh, Itanagar, whereby the services of the petitioner from the post of Chairman, Arunachal Pradesh Bamboo Research & Development Agency(APBRDA) stood relieved and in his place, private Respondent No. 4 has been appointed to the said post with immediate effect.

**4.** It is also seen that this Court while issuing notice to the respondents on 10.03.2017, interim order was also passed to the effect that ***Until further orders, in the interest of justice, it is hereby directed that the operation of the impugned order dated 03.03.2017 issued by the Respondent No. 1 viz. Chief Secretary to the Government of Arunachal Pradesh, Itanagar, shall remain suspended.***

**5.** By filing the affidavit-in-opposition to the contentions of this petition, the Respondent No. 2 has mainly contended that the Arunachal Pradesh Bamboo Research & Development Agency(APBRDA) does not have any approved Memorandum and Bye-Laws as the draft of the same which was prepared in 2015 is yet to be submitted to the State Government for consideration and approval. The State Government is therefore not bound to abide by the draft Memorandum and Bye-Laws of the Agency. The other contention is that the State Government is the sole appointing authority of Chairman and Vice-Chairman of the Agency, as such, the petitioner cannot be aggrieved by the decision of the Government to replace him by the private Respondent No. 4.

**6.** To the above affidavit-in-opposition, the petitioner has filed a short affidavit-in-reply in which he had specifically contended that as per the

Memorandum and Bye-Laws, the post of Chairman of the Agency is a fixed tenure of 5(five) years and as such, he cannot be removed before the expiry of the said 5(five) years term and it will come to an end naturally when the tenure expires. It has also been contended that though the State Government have not yet approved the draft Memorandum & Bye-Laws, however, the same governed the Agency.

**7.** Now, coming back to this case, it is seen that all the pros-and-cons of the instant matter, has already been adequately taken care of by this Court in its earlier common judgment & order, dated 10.08.2016 passed in WP(c)139(AP)2016, therefore, this Court today does not feel the necessity and urgency to dwell in length, the various aspects of this matter, again, by writing out a long judgment and thereby, wasting the precious judicial time of the Court.

**8.** Having reached the above conclusion, the respondent authorities are hereby directed to reinstate the petitioner immediately and allow him to continue as the Chairman of the Arunachal Pradesh Bamboo Research & Development Agency(APBRDA) till completion of his fixed tenure of 5(five) years, as stated above, as per his appointment order, dated 16.11.2015.

Needless to say but the petitioner Sri Tagung shall be paid the monthly emoluments and other financial benefits/arrears, as per his entitlement, if not yet paid to him, without any further delay.

**9.** With the above directions and observations, this writ petition stands disposed of.

**10.** The interim order passed, earlier, shall stand merged with this order.

**JUDGE**

*Bikash*