

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM; NAGALAND; MIZORAM AND
ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH

WP(C) No. 39(AP)2018

Shri M. Pandian,
S/o. Lt. K. Kasinadar, Presently serving as
Assistant Engineer, Khonsa Civil Sub-
Division, Department of Hydro Power
Development, Govt. of Arunachal Pradesh,
P.O. & P.S. Khonsa, Tirap District,
Arunachal Pradesh.

... Petitioner

-VERSUS-

1. The State of Arunachal Pradesh through the Chief Secretary to the Government of Arunachal Pradesh, Itanagar.
2. The Commissioner (Power), Govt. of Arunachal Pradesh, Itanagar.
3. Shri Gumli La Singhpho (Assistant Engineer), C/o. Assistant Engineer, Khonsa Civil Sub-Division, Department of Hydro Power Development, P.O. & P.S. Khonsa, Arunachal Pradesh.

...Respondents

Advocates for the petitioner	: Mr. R. Sonar, : I. Tapa, H. Rinya, T. Devi, : M. Basar, T. Ruku.
Advocates for the respondents	: Ms. P. Pangu, Junior G.A. (A.P.) : Mr. R. Saikia, B. Talukdar, : K. Lollen, J. Das, L. Bam, L. Nochi, : B. Taipodia, B. Riba.

Date of hearing : **17.05.2018**
Date of Judgment : **17.05.2018**

:::BEFORE:::
HON'BLE MR. JUSTICE KALYAN RAI SURANA

Heard Mr. R. Sonar, learned counsel appearing for the petitioner. Also heard Ms. P. Pangu, learned Jr. Govt. Advocate appearing for the respondents No.1 & 2 as well as Mr. R. Saikia, learned counsel appearing for the respondent No.3.

2. With the consent of all sides, the matter is taken up for hearing at admission column.

3. By this writ petitioner under Article 226 of the Constitution of India, the petitioner has challenged the order No. PWRS/E-26/94-95/Vol-III/Pt/ 5514-22 dated 18/20.12.2017, issued by the Commissioner (Power), Govt. of Arunachal Pradesh, Itanagar. By the said order, the private respondent No.3 namely, Sri Gumila Singhpho was retained at Khonsa Civil Sub-Division as Assistant Engineer in place of the petitioner and the petitioner was transferred to the Office of the Superintending Engineer (C), Lohit Basin, Namsai.

4. The learned counsel for the petitioner submits that the petitioner was working as Assistant Engineer (C) and was posted at Monitoring Field Division, Dirang. By a transfer order dated 24.10.2017, the petitioner was transferred to Khonsa Civil Sub-Division in the same post vice the respondent No.3, who was posted to the Office of the Superintending Engineer, Kameng Basin, DHP, Bomdila as Assistant Surveyor of Works (C), directing him to move first. Thereafter, vide order under Memo. dated 27.10.2017, the petitioner was released from his previous post with a direction to report at Khonsa Sub-Division for his further duties. Accordingly, on 30.10.2017, the petitioner submitted his joining report addressed to the Assistant Engineer, Khonsa Independent Sub- Division. Accordingly, by his office order dated 30.10.2017, the Assistant Engineer (E-M), Khonsa Independent E-M Sub Division directed the respondent No.3 to hand over full charge of the Khonsa Civil Sub-Division to the petitioner immediately. The Assistant Engineer (E-M), Khonsa E-M Sub-Division, by an office order dated 02.11.2017, recorded that

consequent upon joining of the petitioner on 30.10.2017 and assumption of charges on 01.11.2017, the respondent No.3 stood released w.e.f. 02.11.2017 (A/N) to enable him to join his new place of posting at Kameng Basin, D.H.P.D., Bomdila. In the meanwhile, the respondent No.3 had filed WP(C) 728(AP)/2017 before this Court on 31.10.2017, challenging his transfer order. The said writ petition came up for motion on 01.11.2017 and this Court by order dated 01.11.2017, disposed of the said writ petition at the motion stage, without issuing notice to the petitioner herein.

5. Thereafter, the petitioner was served with another impugned transfer order dated 18.12.2017, by virtue of which the service of the respondent No.3 was retained at Khonsa Sub Division as A.E. (C) and the petitioner was transferred from Khonsa Civil Sub-Division, DHPD as ASW(Civil), Office of the Superintending Engineer, Lohit Basin, Namsai against the post vacated by one Sri Ringgong Bitin, A.E. (C) on his resignation.

6. Later on, the petitioner had come to know that on 31.10.2017, the respondent No.3 has submitted a representation before the Commissioner (Power) to retain or modify the transfer order to any two Sub-Divisions of Changlang District on the ground that his son was studying in Class-VII and his final exams would be held in March, 2018 and further that he was the lone person to look after his 75 years old mother, who was having many health problems.

7. The learned counsel for the petitioner submits that as per the Govt. Circular No. PERS-126/2004 dated 19.12.2008, the tenure of posting in all the Govt. posts shall be 2 (two) years. Hence, the petitioner had submitted a representation dated 05.02.2018, before the Commissioner (Power), inter-alia, on the ground that his tenure was not over and that the grounds taken by the respondent No.3 in his representation dated 31.10.2017 were not tenable and moreover, the respondent No.3 has already been completed his more than his normal tenure as the said respondent No.3 had joined at his place of posting at Khonsa on 30.04.2012. By referring to the statements made in the above referred WP(C) 728(AP)/2017, it is submitted that in paragraph-5 of the said writ petition, it was projected by the respondent No.3 that he was the only one who looked after his ailing mother who is living with the petitioner and the petitioner's son studies is in mid-session and that

his annual examination was due on March, 2018. In paragraph 6 of the said WP(C) 728(AP)/2017, the respondent No.3 has stated that - *"... further more, it is pertinent to mention herein that the petitioner is not protesting the impugned transfer order dated 24.10.2017 rather petitioner is requesting the respondent authority to allow him to serve his duty at Khonsa till the completion of his son's annual examination which is going to be held in the month of March, 2018 moreover, the petitioner also have to take care of his ailing mother who needs constant medical care due to old age related ailments which is not only a social obligation of every children but also as statutory ..."*

8. The learned Counsel for the petitioner has submitted that this Court on being influenced by the submissions that the respondent No.3 had to take care of his old aged mother and his son who was studying in class-VII, and that his examination was going to be held in March, 2018, this Court while disposing of the writ petition on 01.11.2017, had only directed that till the disposal of the representation dated 31.10.2017 submitted by the respondent No.3, the authorities should not move out the respondent No.3. However, the State Respondents and their officials had used the said order dated 01.11.2017 as a tool for retaining the respondent No.3 at Khonsa Civil Sub Division as Assistant Engineer (C). It is submitted that hence, the petitioner had submitted his representation dated 05.02.2018 to the Commissioner Power, which was not considered by the said authority.

9. By further referring to the affidavit-in-opposition filed by the respondent No.3, it is submitted that in paragraph-7 thereof, the respondent No.3 had changed his stand by making a statement on oath that he had never stated in earlier writ petition that his son was studying in class-VIII at Khonsa and he merely stated that his son was studying in class-VII. In this connection, by referring to paragraph-7 of the affidavit- in- opposition filed by the State respondents No. 1 & 2, it is submitted that the State respondent had denied as misleading the statements made by the petitioner to the effect that the entire family members and the children of the respondent No.3 were residing at Bordumsa in Changlang District, as none of his family members and the children have ever stayed with respondent No.3 or studied Khonsa. By further referring to the statements made by the petitioner in paragraph-

10 of the writ petition, it is submitted that the petitioner had categorically stated that none of the children of respondent No.3 studied at Bordumsa, nor anyone of the family members was stayed at Bordumsa. It was stated that at that point of time, the respondent No.3 had 3(three) wives and his entire family members, children and parents had settled at his home town Bordumsa. However, neither State Respondents nor the respondent No.3 had given any reply to the said statements made in the writ petition and, as such, statement made in the writ petition is deemed to be specifically admitted by the respondents.

10. It is submitted that when the respondent No.3 had approached this court by filing WP(C)728(AP)/2017, he had not disclosed before this court that (i) on 30.10.2017, the petitioner had reported for joining, (ii) that the petitioner herein had been released from his former place of posting, (iii) that the petitioner herein had taken over the charge on 01.11.2017 (A/N). The learned Counsel for the petitioner has submitted that the said WP(C)728(AP)/2017 was taken up as unlisted motion at 2.00 p.m. on 01.11.2017, but by that time, the petitioner had already assumed his charge. It is, therefore, submitted that the petitioner had not come before this Court with clean hands.

11. It is submitted that the fresh order of transfer dated 18.12.2017 is vitiated, because by incorrectly appreciating the order dated 01.11.2017, passed by this Court in WP(C)728(AP)/2017, the respondent No.3 was retained as if such retention was ordered by this Court. It is also submitted that the transfer order was not made in public interest and it was made to accommodate the respondent No.3.

12. The learned Jr. Govt. Advocate has made her submissions in support of the transfer order dated 18.12.2007. She has also produced the official record relating to the transfer of the petitioner as well as the respondent No.3. It is submitted that in public interest, the Parliamentary Secretary had recommended retention of the respondent No.3 and therefore, it could not be alleged that the impugned order of transfer was vitiated by mala fide intention and therefore, she has prayed for dismissing the writ petition.

13. The learned counsel for the respondent No.3 has also made his submission in support of the impugned order of transfer as well as in support of his

retention in his previous place of posting. It is submitted that neither the respondent No.3 nor his learned counsel had any intention of misleading the Court because in W.P.(C) No. 728(AP)/2017, the respondent No.3 herein had only stated that his son was studying in Class-VII and that he was the only person taking care of his mother. He had not made any mention about the place where his mother and his said son were residing. It is submitted that in the present writ petition, the petitioner had alleged that the actions of the State Respondents was mala fide. However, the people who had written an U.O. Note for his retention were (i) Parliamentary Secretary, and (ii) the Deputy Chief Minister. However, the said authorities were not arrayed as respondents in this writ petition, as such, the writ petition was liable to be dismissed for non joinder of necessary parties. Therefore, the order of transfer cannot be struck down on the ground that it was mala fide.

14. It is also submitted that by virtue of order dated 01.11.2017, passed by this Court in WP(C) 728(AP)/2017, the State respondents were only complying with the duty cast on them to dispose of the representation submitted by the respondent No.3. Therefore, as the impugned order was passed while complying with the order passed by this Court, as such, the petitioner cannot be aggrieved if such decision culminated in the decision taken for retention of the respondent No.3 to his previous place of posting and also to transfer the petitioner at his new place of posting. In support of his submissions, the learned counsel for the respondent No.3 has relied on the following cases, viz.,

- a. *Shilpi Bose (Mrs) & Ors., Vs. the State of Bihar & Ors., (1991) Supp (2) SCC 659*, to project transfer made on request to avoid hardship is reasonable and unassailable and in such transfer, no mandatory rule was violated thereby, and as displaced employee was holding transferable post, he was liable to be transferred and that the Court should not normally interfere with such transfer;
- b. *Smt. P. Sekhose Vs. the State of Nagaland, 1995 (II) GLT 101*, to project that person aggrieved by the transfer is not debarred from submitting his representation, even after his transfer is effected and when such representation is filed, it was the obligation for the authorities to process and dispose of such representation;

- c. *M.A. Ezung Vs. the State of Nagaland & Ors., 2009 (1) GLT 293*, to project that if mala fide is alleged, specific allegations are required to be made against specific persons and they are required to be joined as respondents in the writ petition.

15. In the present case, impugned transfer order is viewed by this Court from three different angles;

- a. firstly, to see if the retention of respondent No.3 and the transfer of the petitioner by order dated 18.12.2017 was on the basis of any U.O. note put up by the Parliamentary Secretary and the Deputy Chief Minister or was on the basis of the representation dated 31.10.2017, submitted by the respondent No.3;
- b. secondly, whether the order dated 01.11.2017 passed by this Court in WP(C) 728(AP)/2017 was used as a source to transfer the petitioner and to retain the respondent No.3 by the impugned order dated 18.12.2017; and
- c. thirdly, whether the impugned order was passed in public interest.

16. In order to appreciate the facts, it would be relevant to refer to the representation dated 31.10.2017 submitted by the respondent No.3 before the Commissioner (Power), which is annexed in this writ petition as Annexure-IV, which reads as follows:-

"To, *Dated 31.10.2017*
The Commissioner (Power),
Govt. of Arunachal Pradesh
Itanagar.

Sub: Prayer for retention/ modification of transfer order.
Ref No. PWRS/E-26/94-95/Vol-III/4820-28 Dtd 24-10-2017.

Respected Sir,

With due respect and humble submission I have to state that my son is studying in Class-VII and his final examination will be held in March 2018.

That Sir, I am the lone person to look after my mother. At present her age is 75 years and being an old aged she has many health problems.

Therefore, I sincerely request your good self kindly to retain or modify my transfer order to any two Sub- Division of Changlang District.

Yours faithfully,
Sd/- illegible.
Shri G. Singpho."

17. It would be relevant to quote the effective part of impugned order dated 18.12.2017, which reads as follows:

ORDER

Dated Itanagar the 18th Dec'2017.

In pursuance to the interim Judgment order dated 01.11.2017 passed by the Hon'ble Guwahati High Court in WP(C)728(AP) 2017, the earlier Govt. order No. PWRS/ E-26/94-95/Vol-VIII/Pt/4820-28 Dated 24/10/2017 is hereby kept in abeyance till further order/directions from the Hon'ble High Court.

Further, the Governor of Arunachal Pradesh is pleased to transfer and posing of the following Assistant Engineer (Civil) in the interest of public service with immediate effect till further order as detail below:

<i>Sl. No</i>	<i>Name of Officer</i>	<i>From</i>	<i>To</i>
<i>1.</i>	<i>Shri Gumila Singpho, AE(C)</i>		<i>Retained To Khonsa Civil Sub-Division as AE(C)</i>
<i>2.</i>	<i>Shri M. Pandian, AE(C)</i>	<i>Khonsa Civil Sub-Division, DHPD</i>	<i>As ASW(Civil), O/O The SE(C) Lohit Basin, Namsai against the post vacated by Sri Ringgong Bitin, AE(C) on resignation.</i>

*Sd/- (Kaling Tayeng)
Commissioner (Power)
Govt. of Arunachal Pradesh
Itanagar"*

18. On the perusal of the records, as produced by the learned Junior Govt. Advocate, it can be seen that the order of transfer dated 18.12.2017 was not issued upon consideration of the representation submitted by the respondent No.3. The competent authorities had not even taken cognizance of the grounds taken in the representation submitted by the Respondent No.3 to the effect that his son was studying in Class-VII, or that his final examination would be held in the month of March, 2018, or that the petitioner was the lone person to look after his mother. Upon query made by this Court, the learned State counsel, had submitted that the distance between Khonsa, where the respondent No.3 is posted and Bordumsa, where the family of the respondent No.3 was residing would be approximately 300 km. The State respondents have specifically denied in paragraph 7 of their affidavit-in-opposition that none of the family members and the children of the respondent No.3 had ever stayed with him at Khonsa. This Court also takes cognizance of the fact that in response to the statements made in paragraph-10 of the present writ petition that the respondent No.3 has three wives and all his family members and

children are settled and studying in Bordumsa and besides, there are other family members to take care of his mother, had not been replied to by the respondent No.3 and, as such, under the doctrine of non-traverse, the said statements are deemed to be admitted. Moreover, although this Court does not find any statement made in previous writ petition by the respondent No.3 therein projected that his mother was stayed with him and his son was studied in class-VII at Khonsa, nevertheless, this Court had specifically recorded in the order dated 01.11.2017 that the respondent No.3 had requested the authority concerned to allow him to continue at Khonsa so as to enable him to look after his aged and ailing mother of 75 years as well as to take care of the educational needs of his son, who was studying in Class-VII in a local school at Khonsa. It would be relevant to quote the said order dated 01.11.2017, herein below:

"01.11.2017

Heard Mr. Rintu Saikia, learned counsel for the petitioner. Also heard Mr. Duge Soki, learned Addl. Senior Government Advocate, for the State Respondent No. 1.

By filing this writ petition under Article 226 of the Constitution of India, the petitioner, who is serving as an Assistant Engineer(AE) under the Department of Power, Government of Arunachal Pradesh, has prayed for quashing and setting aside the impugned transfer order, dated 24.10.2017, issued by the Respondent No. 1 viz. Commissioner(Power), Government of Arunachal Pradesh, whereby the petitioner has been transferred from his present place of posting at Khonsa Sub-Division, Changlang District, to Kameng Basin DHP, Bomdila, as an Assistant Surveyor of Works(ASW).

Mr. Saikia, learned counsel, submits that though the petitioner, herein, has completed his normal tenure of posting at his present place of posting at Khonsa, he has requested the authority concerned to allow him to continue at Khonsa so as to enable him to look after his aged and ailing mother of 75 years as well as to take care of the educational needs of his son, who is studying in Class-VII in a local school at Khonsa.

Taking into account the facts and circumstances, as stated above, I am of the considered view that it will meet both the ends of justice if the Respondent No. 1 viz. Commissioner(Power), Government of Arunachal Pradesh, is directed to consider and dispose of the petitioner's representation, dated 31.10.2017, in the light of the facts and circumstances as narrated in the said representation.

In view of the above, this writ petition is hereby disposed of at the motion stage itself with a direction to the respondent authorities particularly Respondent No. 1/Commissioner (Power), Government of Arunachal Pradesh, Itanagar, to consider and dispose of the petitioner's representation, dated 31.10.2017, by taking into account, the grounds as cited in the said representation, and pass necessary order, thereafter.

Till disposal of the petitioner's representation, dated 31.10.2017, on the manner as indicated above, it is hereby directed that the authorities

concerned should not move-out the petitioner from his present place of posting at Khonsa, under any circumstances."

19. This Court finds it impossible that the respondent No.3 who is posted at Khonsa to look after his mother staying 300 kms. away at Bordumsa or to take care of the educational needs of his son studying in Class-VII at a place and school not disclosed in the writ petition or in affidavit-in-opposition filed in the present writ petition unless he violates the service conditions by taking unauthorized HQ leave and remains absent in his duties without observing due formalities. Moreover, as mentioned herein before, the respondent No.3 has not denied the statements made in paragraph-10 of the writ petition that the respondent No.3 has 3 (three) wives and several children and other family members, who can take care of his aged and ailing mother. Therefore, when the mother of the respondent No.3 is staying at Bordumsa, it is not believable that the respondent No.3 can take care of his mother from such a long distance without assistance of any family member or an attendant. Hence, this Court is constrained to hold that the respondent No.3 did not approach this Court with clean hands while filing W.P.(C) No. 728(AP)/2017, as the respondent No.3, by suppressing material facts as to where his aged and ailing mother and son were residing, had given a wrong impression to this Court as if the aged mother and his son were staying with him and that his son was studying in Class-VII in a local school at Khonsa. Assuming that this Court had incorrectly recorded the said fact, it was the duty of the respondent No.3 to get the said mistake in the order dated 01.11.2017 passed by this Court to be rectified.

20. The record as produced by the learned State Counsel does not reveal that the impugned order dated 18.12.2017 was passed pursuant to the representation filed by the respondent No.3, but the records reveal that the said impugned order dated 18.12.2017 was passed because every official who had made entries in the note-sheet had formed an opinion that the order to retain the respondent No.3 had to be passed because of order dated 01.11.2017 passed by this Court in W.P.(C) No. 728(AP)/2017, by erroneously assuming that the writ petition was pending that and further assuming that the respondent No.3 was to be retained till further orders from this Court in the said W.P.(C) No. 728(AP)/2017. The competent authorities including the Deputy Chief Minister were of the view that they were to comply with the order dated 01.11.2017 passed in WP(C)728(AP)/

2017 not to move out the respondent No.3 from his present place of posting at Khonsa under any circumstances.

21. Thus, this Court is constrained to hold that the officials of the State had used the order dated 18.12.2017 passed by this Court in W.P.(C) 728(A)/2017 as a tool for retaining the respondent No.3 in his earlier place of posting at Khonsa. As per the entries made in the Office Note Sheets, the respondent No.3 had stayed in his present place of posting since last 6 years (pg. 33 of the note-sheet), whereas the petitioner had not yet completed his tenure even his earlier place of posting as A.E.(C) at Monitoring Field Division, Dirang, when he was transferred to Khonsa Civil Sub- Division as A.E.(C).

22. Thus, in view of the discussions above, the indelible opinion of this Court is that the petitioner herein was transferred by virtue of the impugned order dated 18.12.2017 to accommodate the retention of the respondent No.3, although the respondent No.3 had completed 6 years of continuous posting at Khonsa, which is three-times the normal tenure of two year each. It is held that the retention of respondent No.3 and the transfer of the petitioner by order dated 18.12.2017 was not on the basis of the U.O. notes put up by the Parliamentary Secretary and the Deputy Chief Minister or on the basis of the representation dated 31.10.2017, submitted by the respondent No.3. On a perusal of the impugned order, it is apparent that all concerned had used the order dated 01.11.2017 passed by this Court in WP(C) 728(AP)/2017 as a tool to retain the respondent No.3 at his previous place of posting as A.E.(C), Khonsa by the impugned order dated 18.12.2017 by keeping the previous transfer order dated 24.10.2017 in abeyance, thus, the petitioner was transferred pursuant to the order dated 01.11.2017 passed by this Court without being allowed to complete his normal two year tenure. The said transfer was not in exigency of service. Therefore, this Court is also of the considered opinion that the order of transfer of the petitioner and the consequential retention of the respondent No.3 as Assistant Engineer (C), at Khonsa, Civil Sub-Division was not in public interest. The transfer order is for extraneous consideration to illegally retain the respondent No.3 at Khonsa, for which the order dated 01.11.2017 was used as a tool to meet such end.

23. Therefore, this is not a case where the petitioner is assailing the impugned order dated 18.12.2017, to avoid his transfer and posting, but the record reveal that it was the prior to his usual two year tenure, the petitioner was transferred to present place of posting as Assistant Engineer (C) at Khonsa Sub Division on 31.10.2017. He had joined in his said present of posting on 30.10.2017. The petitioner had taken over charge on 01.11.2017 (A/N), before this Court had passed order dated 01.11.2017 in post lunch session commencing at 2.00 p.m. Moreover, the competent authority i.e. the Assistant Engineer (E-M), Khonsa Independent E-M Submission by his office order dated 02.11.2017 had recorded that the petitioner had joined on 30.10.2017 and had assumed his charge on 01.11.2017 and that the respondent No.3 was released from the establishment on w.e.f. 02.11.2017.

24. Under the above circumstances, on 01.11.2017, when the writ petition was being moved, it was the bounden obligation of the respondent No.3 to bring it to the notice of this Court that on 30.10.2017, the new incumbent had already joined and that in the after-noon of 01.11.2017, the petitioner herein, being the new incumbent had already taken over charge as A.E.(C), vice the respondent No.3. Therefore, this Court holds that the respondent No.3 has not disclosed material facts before this Court and, as such, had not approached this Court with clean hands while filing and moving W.P.(C) 728(A)/2017.

25. The ratio of the case of *Shilpi Bose (supra)* is not found to apply in this case. The petitioner herein was not avoiding his transfer. Rather, he had been transferred as A.E.(C), Khonsa. Therefore, the respondent No.3 was trying to dislodge the petitioner and in this regard, he had obtained the order dated 01.11.2017 in W.P.(C) 728(AP)/2017 by misleading this Court as if the aged mother and son of the respondent No.3 were residing with him at Khonsa and that he had to look after their medical and educational needs. The respondent No.3 had not come with clean hands and had suppressed material facts that the petitioner had joined on 30.10.2017, i.e. a day before the said writ petition was filed on 31.10.2017. Thus, the respondent No.3, having completed more than the prescribed period of tenure of 2 (two) years at a place, the State Respondents are found to have totally violated their own circular for transfer by transferring the petitioner successively without allowing him to complete his normal tenure of 2

(two) years at a place of posting. Thus, this is found to be a fit and proper case for exercise of jurisdiction under Article 226 of the Constitution of India to interfere with such an order.

26. This Court in the case of *Dilip Kr. Saikia Vs. State of Assam & Ors., 2005 (4) GLT 371*, has held that a transfer order issued only to accommodate another person and that too without affording any opportunity to the person whose interest is effected, cannot be said to be an order issued in administrative exigencies.

27. Therefore, viewed from any angle, the impugned order is not sustainable on facts. Hence, this Court has no hesitation to set aside and quash the impugned transfer order bearing Memo No. PWRS/E-26/94-95/Vol-III/ET/554-22 dated 18.12.2017, in respect of the petitioner. As a result, the retention of the respondent No.3 as A.E.(C), Khonsa, is also set aside and quashed. As a result, the office order under Memo. No. EMSD/KSA/ESTT-I/2017-2018 dated 02.11.2017, regarding the joining of the petitioner on 30.10.2017, assumption of charges on 01.11.2017 and released of respondent No.3 w.e.f. 02.11.2017, stand revived. The Commissioner (Power) is directed to pass all such consequential orders as may be required to treat the petitioner as A.E.(C), Khonsa Civil Sub-Division, without any break since 30.10.2017, the date when the petitioner had joined his said post, with all consequential benefits. It is also provided that if the service records of the petitioner was transferred by now, the same would be made over to the authority competent to hold the same in respect of the petitioner, posted as A.E. (C), Khonsa. Needless to mention that the authorities would pass appropriate orders for the posting of the respondent No.3.

28. Accordingly, writ petition stands allowed, however, there shall be no order as to cost.

29. Let records be returned back.

JUDGE

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