

GAHC040016732023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/591/2023

Smti Tai Niku

D/o Lt. Tai Keoram, permanent resident of Paching Colony, Naharlagun, PO/PS Naharlagun, Papum Pare District, Arunachal Pradesh and presently working as Drugs Inspector, Office of the District Medical Officer, Govt. of Arunachal Pradesh at Pasighat, East Siang District, Arunachal Pradesh. Mob No. 9612854387

VERSUS

1.The State of AP and 6 Others through the Principal Secretary, Department of Health and Family Welfare, Government of Arunachal Pradesh, Itanagar.

2:The Secretary, Health and Family Welfare Department of Health and Family Welfare Government of Arunachal Pradesh Itanagar.

3:The Director Health Service, Naharlagun Government of Arunachal Pradesh.

4:The Under Secretary Age: 0 Occupation : Health and Family Welfare Department of Health and Family Welfare Government of Arunachal Pradesh Itanagar.

5:The District Medical Officer, Pasighat Govt. of Arunachal Pradesh

6:Shri Mijom Lollen, Drugs Inspector Officer of the DMO Bomdila West Kameng District Government of Arunachal Pradesh.

7:Shri Talo Jamoh, Drugs Inspector Office of the DMO Tezu Lohit District Govt. of Arunachal Pradesh

Advocate for the Petitioner : A. Bhattacharjee

Advocate for the Respondent : Taba Tagum

**BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 13-12-2023

Heard Mr. A. Bhattacharjee, the learned counsel for the petitioner and Mr. T. Tagum, the learned Standing Counsel for the Health Department, respondent Nos. 1 to 5.

2. In this petition under Article 226 of the Constitution of India the petitioner, Smti Tai Niku has put to challenge the correctness or otherwise of the order No.MEST-1044/2021, dated 22.10.2023, issued by the Principal Secretary, Health & Family Welfare, Govt. Of Arunachal Pradesh, Itanagar and communication Memo No. 1044/2021, dated 29.11.2023, issued under the signature of Under Secretary, Health & Family Welfare, Govt. of Arunachal Pradesh, Itanagar. It is to be noted here that vide impugned order dated 22.10.2023, the petitioner, Smti Tai Niku was transferred from DMO, Pasighat to DMO, Bomdila with immediate effect.

3. Mr. A. Bhattacharjee, the learned counsel for the petitioner submits that the petitioner is a single mother and has been suffering from Chronic Cervical Spondylosis with severe lower back pain since last many years, she is under medication and physiotherapy,

requiring regular routine check-up at Naharlagun which is near and communicable from pasighat, if she is transferred at this stage from DMO, Pasighat to DMO, Bomdila then it will cause immense inconvenience to her health and her children also who are studying in current academic year and that she has also file one representation before the concerned authority, but the same has not yet been disposed of. Under the aforesaid facts and circumstances Mr. A. Bhattacharjee, the learned counsel prays for staying the impugned order dated 22.10.2023.

4. On the other hand, Mr. T. Tagum, the learned Standing Counsel for the Health Department submits that the scope of interfering with the transfer is very limited and the petitioner had failed to show any extra ordinary circumstance, for which, the impugned order can be interfered with and that this writ petition may be disposed of by directing the respondent authorities to disposed of the representation filed by the petitioner.

5. At this stage, Mr. A. Bhattacharjee, the learned counsel for the petitioner submits that there is one Circular dated 02.06.1998, wherein, in column No.3, at serial No. (a), it has been indicated that transfer/posting orders shall be issued by April, i.e. immediately after the financial year ends, so that implementation of plan, schemes and budget expenditure are not affected by such orders. As such, if the

respondent authorities are directed to dispose of her representation first in the light of aforesaid facts and circumstances, and keeping in mind the Circular dated 02.06.1998, he has no objection in disposing of this petition.

6. Having heard the submissions of the learned advocates of both sides, I have gone through the documents placed on record and also the impugned order dated 22.10.2023, which was communicated on 29.11.2023 and also the Circular dated 02.06.1998.

7. Having considered the submission of learned advocates of both sides and also considering the facts and circumstances on record and as agreed upon by the learned Advocate of both the parties, this Court is inclined to disposed of this writ petition by directing the respondent authorities to disposed of the representation filed by the petitioner on 30.11.2023, in the light of the Circular dated 02.06.1998, vide Memo No.Apptt-19/90, by a reason order within a period of 2(two) weeks from today. Till disposal of the representation, filed by the petitioner, *status quo* as of now shall be maintained. The petitioner shall furnish a certified copy of this order to the respondent authorities within a period of one week from today.

Accordingly, this writ petition is disposed of.

JUDGE

Comparing Assistant