

GAHC010035852024



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

Case No. : WP(C)/959/2024

PROSENJIT DAS
S/O PROVASH CHANDRA DAS,
ADDRESS- HAILAKANDI TOWN WARD NO. 1, SILCHAR ROAD, P.O. AND
P.S.- HAILAKANDI, DIST.- HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT., PANJABARI,
GUWAHATI- 37.

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPTT.
PANJABARI
GUWAHATI- 37.

3:THE DEPUTY COMMISSIONER
HAILAKANDI.

4:THE CHIEF EXECUTIVE OFFICER
ZILLA PARISHAD HAILAKANDI.

5:THE BLOCK DEVELOPMENT OFFICER
LALA DEVELOPMENT BLOCK
DIST.- CACHAR
ASSAM.

6:PRITAM DHAR
S/O NIKHIL CHANDRA DHAR
R/O HAILAKANDI TOWN WARD NO. 4
P.S. AND DIST.- HAILAKANDI
ASSAM
PIN- 788151

Advocate for the Petitioner : MR. K MIRA

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

23.02.2024

Heard Mr. K. Mira, learned counsel for the petitioner. Also heard Mr. P. Handique, learned counsel, appearing on behalf of Mr. K. Konwar, learned Standing Counsel, P&RD for respondent Nos.1, 2, 4 and 5 as well as Mr. T.C. Chutia, learned Additional Senior Government Advocate, Assam for respondent No.3.

2. The petitioner is aggrieved with the office order dated 25.01.2024 by which he has been relieved from Ayenakhal Gaon Panchayat and posted at Niz-vernerpur-Sarbanandapur Gaon Panchayat vice respondent No.6.

3. It is the case of the petitioner that the office order dated 25.01.2024, which was issued by the Chief Executive Officer, Zila Parishad, Hailakandi is in violation of the Notification dated 17.05.2023 issued by the P&RD (B) Department inasmuch the Notification dated 17.05.2023 provides that for administrative convenience and in the interest of public service, Deputy Commissioners in general area districts are hereby authorized to make transfer and posting of Block Development Officers, Engineers, Gaon Panchayat Secretaries and all other regular officers and staff including all contractual employees of Panchayat and Rural Development Department within their jurisdiction.

4. It is the case of the petitioner that the office order dated 25.01.2024 issued by the Chief Executive Officer, Hailakandi Zilla Parishad by which the petitioner has

been transferred is in conflict with the Notification dated 17.05.2023 inasmuch as the Chief Executive Officer has no authority to issue transfer orders.

5. After hearing learned counsel for the parties, this writ petition is disposed of directing the petitioner to make a representation before the Principal Secretary, P&RD Department within a period of one week from today. Thereafter, the Principal Secretary, P&RD Department shall consider the representation made by the petitioner and dispose of the same in accordance with law within a period of two weeks from the date of receipt of the representation to be made by the petitioner. Till the representation is disposed of, *status quo* as on today shall be maintained.

6. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant