

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 045/00263/2019

Date of Order: This, the 20<sup>th</sup> Day of August 2019

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

Shri Belatee Pertin, IAS  
Presently posted as Commissioner to the  
Govt. of Arunachal Pradesh (under transfer)  
Itanagar, Papum Pare District, Arunachal Pradesh.

**...Applicant**

By Advocates: Sri S. Sarma, Sri H.K. Das, Sri U. Pathak  
and Sri D.J. Das

-Versus-

1. Union of India  
Represented by the Secretary  
Ministry of Home Affairs  
North Block, New Delhi – 110001.
2. The Chief Secretary  
The State of Arunachal Pradesh  
Government of Arunachal Pradesh  
Itanagar, Pin – 791111.

**...Respondents**

**ORDER (ORAL)**

**MANJULA DAS, JUDICIAL MEMBER:**

This O.A. has been preferred by the applicant under  
Section 19 of the Administrative Tribunal's Act 1965 seeking the  
following reliefs:

- 8.1 To quash and set aside the impugned transfer Order No. 14020/02/2019UTS-I dated 18.07.2019 in respect of the applicant to the extent of posting him at New Delhi.
- 8.2 To quash and set aside impugned purported release order No. PERS/AIS-52/2012[Pt-II]/04 dated 16.08.2019 by which the applicant has been sought to be released from the strength of Arunachal Pradesh w.e.f. 16/08/2019 [AN].
- 8.3 To direct the respondent authority to restrain from resorting to any vindictive or punitive action against applicant as the applicant is almost at the verge of retirement on superannuation AND/OR direct the respondent no. 1 to ensure that rationalized rotational transfer and posting of the inductee officers are maintained as a matter of just, fairness and equity.
- 8.4 Cost of the application.
- 8.5 Pass any such order/orders as Your Lordships may deem fit and proper."

2. At the outset of the moving of the application, Sri Siddartha Sarma, Advocate assisted by Sri H.K. Das, learned counsel appearing on behalf of the applicant submits that although it is an issue of transfer of the applicant who is an IAS officer working as Commissioner (PWD) to the Govt. of Arunachal Pradesh to New Delhi wherein the applicant has already made representation before the competent authority i.e. Hon'ble Chief Minister, Arunachal Pradesh, Itanagar on 23.07.2019 for consideration of his case, however, wants to make a comprehensive representation before the Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi in view of

the Circular No. 14012/01/2005 UTS-I dated 10.02.2014 issued by the same Ministry of Home Affairs as well as recommendation of Hon'ble Chief Minister of Arunachal Pradesh, Itanagar.

3. By accepting above prayer made by the learned Advocate for the applicant Sri Siddhartha Sarma and without going into the merit of the case as well as without issuing notice to the respondents, I direct the applicant to make a comprehensive representation highlighting his grievances before the Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi within a period of 15 days from the date of receipt of a copy of this order. On being receipt of such representation, the Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi i.e. respondent No. 1, before whom the representation is proposed to be made, shall dispose of the same and consider the case of the applicant in the light of the Circular No. 14012/01/2005 UTS-I dated 10.02.2014 issued by the same Ministry of Home Affairs as well as recommendation of Hon'ble Chief Minister of Arunachal Pradesh, Itanagar vide letter dated 23.07.2019 (Annexure – A/5 to the O.A.), within a period of 4 months' thereafter.

4. It is made clear that the applicant be given an opportunity of being heard before passing an order by the respondent No. 1 and whatever decision to be arrived by the Respondent No. 1, shall be reasoned and speaking and shall be communicated to the Applicant forthwith. Till then, applicant shall not be disturbed from his present place i.e. Commissioner (PWD) to the Government of Arunachal Pradesh, State of Arunachal Pradesh.

5. With the above directions, O.A. stands disposed of at the admission stage. There shall be no order as to costs.

**(MANJULA DAS)**  
**MEMBER (J)**