

GAHC010195552026



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

Case No. : WP(C)/5011/2026

SRI MRIDUL KUMAR GOGOI
SON OF SRI KHIRANANDA GOGOI, PERMANENT RESIDENT OF VILLAGE
MILAN NAGAR, P.O. AND P.S.- GHILAMARA, DISTRICT-LAKHIMPUR,
ASSAM, PIN- 787053.

VERSUS

STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONERATE OF PANCHAYAT AND RURAL
DEVELOPMENT, DEPARTMENT OF PANCHAYAT AND RURAL
DEVELOPMENT, DISPUR, GUWAHATI, ASSAM, PIN-781006

2:THE ADDITIONAL CHIEF SECRETARY TO THE GOVT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER OF PANCHAYAT AND RURAL DEVELOPMENT
PANZABARI
GUWAHATI-781037

4:THE CHIEF EXECUTIVE OFFICER
LAKHIMPUR ZILLA PARISHAD
NORTH LAKHIMPUR
DISTRICT COURT ROAD
LAKHIMPUR
PINCODE-787001
ASSAM

5:THE CHIEF EXECUTIVE OFFICER
DHEMAJI ZILLA PARISAD
DHEMAJI
DHEMAJI CHRIALI

PIN CODE-787057ASSAM

6:SRI DEVAJIT DUTTA
S/O- NITYA DUTTA
R/O- PAHUMORA CHUK
PANBARI
MAZGAON
P.O.- PANBARI P.S.- NARAYANPUR
DIST.- LAKHIMPUR
ASSAM
PIN-784164

7:TIRTHAJYOTI BHUYAN
S/O- SHISHURAM BHUYAN
R/O- VILL. CHAUKHAMTING
SISIBORGAON
P.O.- SISIBORGAON
P.S.- SILAPATHAR
DIST.- DHEMAJI
ASSAM
PIN- 78711

Advocate for the Petitioner : MR S KHOUND, MR. N BORUAH,MR S ARAFAT

Advocate for the Respondent : SC, P AND R.D.,

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER

Date : 14-09-2026

Heard Mr. S Khound, learned counsel for the petitioner, who submits that the petitioner is aggrieved with the Office Order, dated 03.09.2026, by which he has been transferred from Dhemaji to Lakhimpur in the same post of Additional District Project Manager under the RGSA. The learned counsel submits that the petitioner was posted from Majuli to Dhemaji, vide Office Order, dated 26.11.2025 and he joined his posting by submitting his joining report on 15.12.2025. However, within a period of less than 9 (nine) months, the

petitioner has been transferred out to Lakhimpur through the impugned transfer, order dated 03.09.2026.

The learned counsel submits that as per the Transfer Guidelines of the State Government issued by the Department of Personnel (B) through Office Memorandum, dated 04.02.2002, the tenure of posting in a particular place ordinarily is for 3 (three) years and if transfer is required before completion of 3 (three) years, there has to be a proper justification and the grounds recorded in writing for such transfer and also the approval of the Chief Minister of the State be taken. However, in the present case, the petitioner has been transferred out from Dhemaji within a short span of time and in violation of the said Office Memorandum. The learned counsel submits that the petitioner pursuant to the transfer order has immediately approached this Court by filing the instant writ petition and that he has not handed over the charge in Dhemaji.

Mr. AK Ghosh, learned counsel appearing for the P&RD Department submits that the petitioner is only a contractual employee and therefore, he is not governed by the Office Memorandum, dated 04.02.2002 but by a separate guidelines pertaining to contractual employees. To this submission, the learned counsel for the petitioner submits that the High Court of Rajasthan in S.B. Civil Writ Petition No. 1193/2025 (Jivraj Kaswan v. State of Rajasthan & 3 Ors.), vide order, dated 18.02.2025 has held that contractual employees are usually under constant sense of insecurity in the absence of any assurance of continuity in service till superannuation and therefore, in absence of financial flexibility to accommodate their abrupt relocation, it would not be advisable for such employees to be transferred on frequent basis.

In view of above, issue notice of returnable by 2 (two) weeks.

Mr. AK Ghosh, learned counsel accepts notice on behalf of respondent Nos. 1 to 5.

Petitioner to serve requisite extra copies of the writ petition to the learned counsel appearing for the respondents today within 3 (three) working days.

Petitioner to take steps for service of notice upon the respondent Nos. 6 & 7 by speed post within a period of 3 (three) working days.

List the matter again on 28.09.2026. *Status quo* as on today be maintained till the next date.

JUDGE

Comparing Assistant