

GAHC040009832021



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

Case No. : WP(C)/327/2021

Siteshwar Singh
Son of Late Nageswar Singh, Permanent resident of Village Naharni, P.O/P.S
Rangapara, Sonitpur District, Assam

VERSUS

THE STATE OF AP and 7 Ors
Through the Secretary,
Department of Agriculture,
Govt. of Arunachal Pradesh,
Itanagar

2:The Secretary
Age: 0
Occupation :
Department of Agriculture
Govt. of Arunachal Pradesh
Itanagar

3:The Director
Age: 0
Occupation :
Department of Agriculture
Govt. of Arunachal Pradesh
Itanagar

4:The Secretary
Age: 0
Occupation :
Department of Horticulture
Govt. of Arunachal Pradesh
Itanagar

5:The Director
Age: 0
Occupation :
Department of Horticulture
Govt. of Arunachal Pradesh
Itanagar

6:The District Agriculture Officer
Age: 0
Occupation :
Tawang District
Govt. of Arunachal Pradesh

7:The District Horticulture Officer
Age: 0
Occupation :
West Siang District
Aalo
Govt. of Arunachal Pradesh

8:The District Agriculture Officer
Age: 0
Occupation :
West Kameng District
Bomdila
Govt. of Arunachal Pradesh

Advocate for the Petitioner : Dicky Panging, Doge Lona, Marge D, M Gibi, T Tayeng, B Padung, D Tamuk

Advocate for the Respondent : Lissing Perme, GA (AP), SC (Horticulture), SC (Agriculture)

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 01.05.2025

Heard Mr. D. Panging, learned counsel for the petitioner. Also heard Mr. L. Perme, learned Standing Counsel, Agriculture Department, appearing for the respondent Nos. 1, 2, 3, 6 & 8 and Mr. T. Gyatso, learned Standing Counsel, Horticulture Department, appearing for respondent Nos. 4, 5 & 7.

- 2.** The contention of the petitioner herein is that by an order dated 09.12.1985, the Director, Agriculture Department, Government of Arunachal Pradesh appointed the petitioner as Fieldman on adhoc basis for a period of one year in the Department of Agriculture in the scale pay of Rs. 260-400 per month and his salary was debitable to the Head of Account 299-Special and Backward Areas-CA.4(1)(2)-Crops Husbandary-C-A.401(2) Plan and the petitioner was posted in the Regional Foundation Seed Potato (NEC) Farm at Tawang under the Agronomist-cum-Officer-in-Charge with effect from the date of his report for duty to the said Agronomist.
- 3.** On the recommendation of the DPC, the service of the petitioner was regularised with effect from 20.12.1985 in terms of an order dated 21.01.1989, issued on 29.03.1989 passed by the Director of Agriculture, Government of Arunachal Pradesh vide order No. HORT/E-13/89 and his salary was debitable to the Head of Account "2401" Crop Husbandry, Major Head-119-Horticulture 119-1 (10) Pineapple Package Programme (Plan).
- 4.** By another order dated 25.06.1990, the Director of Horticulture, transferred the petitioner from Tawang and posted him at Along.
- 5.** On his transfer from Tawang to Along, the Agronomist-cum-Officer-in-Charge of the Regional Foundation Seed Potato (NEC) Farm at Tawang, by communication No. RFSP/E/P-62/B5-86/407 dated 20.10.1990 transferred the Service Book of the petitioner to the District Horticulture Officer, West Siang District, Along requesting the said authority to acknowledge its receipt.
- 6.** In July 1994, the Horticulture Department was bifurcated from the Agriculture Department and by an order dated 07.09.1994, issued by the Secretary (Horticulture), Government of Arunachal Pradesh placed the service of

the petitioner under the Agriculture Department of the State.

7. By an order dated 28.03.1995, issued by the Director, Agriculture vide No. AGRI/E-38/90 transferred the petitioner from Along to Bhalukpung under the establishment of the District Agriculture Officer, Bomdila with immediate effect and no TA/DA was paid to petitioner as the said transfer was on his own request.

8. Accordingly, w.e.f.10.04.1995 the petitioner was released from the District Horticulture Office, West Sinag District, Along vide order dated 07.04.1995 due to replacement of his service along with the post under Agricultural Department and by the said order dated 07.04.1995 the petitioner was directed to report to the Agronomist, Seed Potato Farm, Tawang.

9. By a communication from the Office of the Director of Agriculture, Arunachal Pradesh, 09.06.1995 the District Agricultural Officer, Bomdila was directed to accept the joining report of the petitioner as Fieldman in his establishment and post him at Bhalukpung on medical ground in terms of the earlier order dated 28.03.1995 (noted above). The petitioner, accordingly, joined his service before the District Agriculture Officer, West Kameng District at Bomdila on 23.06.1995.

10. On 13.10.1995 the petitioner informed the District Agricultural Officer, Bomdila that he did not receive his monthly salary since 25.08.1995 and requested the said authority for early drawal and disbursement of his monthly salary.

11. By an order dated 09.11.1998, the Director of Agriculture, Government of Arunachal Pradesh transferred the petitioner from West Kameng District and posted him at Bamang under District Agriculture Officer, Seppa.

12. From the Annexure-12 to this writ petition, a communication, but without any date, the petitioner wrote to the Director of Agriculture, Government of Arunachal Pradesh, to allow him to join in his duty by keeping him at West Kameng District (Bomdila) or any other place so as to get frequent medical checkup and avoid hilly journey. From the said Annexure-12, it can be seen that the petitioner was on Privilege Leave (earned leave) since 10.12.1998 and he continued in such leave for a long period.

13. Thereafter, on 02.07.2019, the petitioner wrote another letter to the District Horticulture Officer, West Siang District Aalo, as well as Deputy Director, Agriculture, Aalo enquiring whereabouts of his Service Book (Annexure-13 to this writ petition).

14. On perusal of the said letter dated 02.07.2019 of the petitioner, i.e., Annexure-13 to this writ petition it can be clearly seen that the petitioner did not join his service at Seppa pursuant to the order of his transfer dated 09.11.1998 (noted above) on medical ground till date of his said letter for continuation of his treatment and requested the authorities concerned to apprise him whereabouts his service book as he did not receive any increment during the period of his service at Bomdila due to non-availability of his Service Book.

15. Subsequent to that, there were some communications between the authorities in the Agriculture Department of the State and the petitioner.

16. Thereafter, the petitioner has filed this writ petition on 07.10.2021, praying amongst others, directing the respondents (i) to trace out his Service Book or in the alternative to reconstruct his Service Book and (ii) to grant him all the service benefits including the increments with effect from the month of July

1995 till date and (iii) to allow him to resume his service in the post of Fieldman and consider his case for promotion in terms of the relevant Rules.

17. However, in this writ petition, the petitioner did not explain the delay of about 23 years since December 1998 in preferring this writ petition as admittedly he did not join his service since 04.12.1998 (Annexure-13 to this writ petition) after his transfer to Seppa by order dated 09.11.1998 (Annexure-11 to this writ petition).

18. Notice in this writ petition was issued 08.10.2021 but this petition of the petitioner is yet to be admitted.

19. As such, the maintainability of this writ petition of the petitioner shall have to be considered first, before proceeding further.

20. List on **27.05.2025** for admission.

JUDGE

Comparing Assistant