

GAHC040012202025



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

Case No. : WP(C)/331/2025

Hano Moda

Son of Shri Hano Talang, presently residing at DFO Quarter, Opposite to DC Bungalow, Komlighat Road, Pasighat, PO and PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors

represented by the Principal Secretary, Department of Environment, Forest and Climate Change, (EF and CC), Govt of Arunachal Pradesh, Itanagar.

2:The Principal Chief Conservator of Forests and Head of Forest Force

Age: 0

Occupation :

Govt of Arunachal Pradesh

Itanagar.

3:Neeraj Tamuk

Age: 0

Occupation :

Assistant Conservator of Forest (on Probation) ACF Mobile Squad

CAC

Pasighat

East Siang District

Arunachal Pradesh

Advocate for the Petitioner : Khoda Tama, Radhe Sumpa, Tasso Dodung, R Barman, Khoda Yubey, Jambey Tsering, T Lampung, Hinti Jeram

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 24.07.2025

Heard Mr. K. Tama, learned counsel for the petitioner.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the impugned transferred order dated 16.07.2025, whereby, the petitioner has been transferred and posted as DFO, Silviculture at Itanagar, and the respondent No. 3, has been posted in his place as DFO, Pasighat Forest Division.

3. The primary grievance of the petitioner is that the said transfer in respect of the petitioner and the respondent No. 3 is in blatant violation of Rule 3(2) of the Arunachal Pradesh Forest Service Rule, 2019, particularly Schedule-I(C), which stipulates that the post of DFO, Pasighat must be held by an Officer in the Senior Grade i.e., ADCF. It is submitted that the private respondent No. 3, who has been posted against the petitioner is an Officer in the Entry Grade of ACF and was only recently promoted on 25.03.2025; he is still on probation and has not yet been confirmed as per the rules, thus, he is not yet eligible to occupy the post of DFO, which is a higher grade in position.

4. Issue notice to the respondents, returnable in 4(four) weeks.

5. Since Ms. G. Ete, learned Additional Senior Government Advocate enter appearance and accepted notices on behalf of the state respondent Nos. 1 and 2, no formal notice is required to be issued to the said respondents. However, she shall be provided with requisite extra-copies of the petition during the

course of the day, if not already furnished.

6. The petitioners to take steps for service of notice upon the respondent No. 3 by registered post with AD as well as by usual process within 1(one) week from today.

7. It is submitted that the petitioner has submitted representation before the respondent No. 2 on 19.07.2025, for retention at Pasighat, as he has not yet been released from Pasighat, nor the incumbent (respondent No. 3) has joined as DFO at Pasighat till date.

8. In view of the above and having regard to the contention made in the petition, the Status-quo as on today in respect of the petitioner and the respondent No. 3 shall be maintained till the next returnable date.

9. Further, pending disposal of this writ petition shall not be a bar to the respondent authorities to dispose of the representation submitted by the petitioner on 19.07.2025.

10. List the matter after 4(four) weeks.

JUDGE

Comparing Assistant