

GAHC040014542025



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

Case No. : IA(C)/217/2025

Tomin Ete and 2 Ors

Son of Late T Ete, resident of Vivek Vihar, Itanagar, PO and PS Itanagar, Papumpare District, Arunachal Pradesh 2: Vijay Passing

Age:

Occupation :

Son of Ano Passing

permanent resident of Parbuk Village

PO and PS Roing

Lower Dibang Valley District

Arunachal Pradesh.

3: Sawimso Tayeng

Age:

Occupation :

Son of Late Tuku Tayeng

presently permanent resident of Rangan Village

PO Hayuliang

PS Khupa

Anjaw District

Arunachal Pradesh

VERSUS

Jumdo Kena and 13 Ors

Son of Shri Late Tajum Kena, presently serving as Assistant Engineer(Civil) in the Office of Chief Engineer (Monitoring), Department of Hydro Power and Development, Itanagar, PO and PS Itanagar, Papum Pare District, Arunachal Pradesh.

2:Haniya Nabam Hina

Age: 37

Occupation :

Son of Shri Tatik Nabam Hina

presently posted Assistant Engineer (Civil)

Seppa Division

East Kameng District
Arunachal Pradesh.

3:Nabam Titu

Age: 37

Occupation :

Son of Nabam Tanang

presently posted at the office of the Executive Engineer NERIST

Papum Pare District

Arunachal Pradesh.

4:Hukkar Taipodia

Age: 37

Occupation :

Son of Late Mihuk Taipodia

presently posted Assistant Engineer

Tirbin Sub Division

Basar

Leparada District

Arunachal Pradesh.

5:Migo Basar

Age: 40

Occupation :

Son of Tomi Basar

presently posted at the Office of Chief Engineer (Monitoring) Department of Hydro
Power Development

Itanagar

Papum Pare District

Arunachal Pradesh.

6:Gyati Tani

Age: 39

Occupation :

Son of Gyati Taji

presently posted at the Office of Chief Engineer

P and D

Department of Hydro Power Development

Itanagar

Papum Pare District

Arunachal Pradesh.

7:Dojum Lollen

Age: 42

Occupation :

Son of Kido Lollen

presently posted Assistant Engineer (Civil)

Geku Sub Division

Geku
Upper Siang District
Arunachal Pradesh.

8:Rajen Mudang
Age: 39
Occupation :
Son of Mudang Ranka
presently posted Assistant Engineer (Civil)
Palin Sub Division
Basar
Kra Daadi District
Arunachal Pradesh.

9:The State of AP
Age: 0
Occupation :
represented by the Commissioner
Hydro Power Development
Govt of Arunachal Pradesh
Itanagar.

10:The Commissioner
Age: 0
Occupation :
Hydro Power Development
Govt of Arunachal Pradesh
Itanagar.

11:The Secretary
Age: 0
Occupation :
Hydro Power Development
Govt of Arunachal Pradesh
Itanagar.

12:The Under Secretary
Age: 0
Occupation :
Department of Hydro Power Development
Govt of Arunachal Pradesh
Itanagar.

13:The 3 Member Committee
Age: 0
Occupation :
constituted by the Commissioner (Hydro Power Development) Govt of Arunachal Pradesh vide order dated 30.05.2025 issued on 03.06.2025 under the Chairmanship of

Chief Engineer
Western Zone
Department of Hydro Power Development
Govt of Arunachal Pradesh
Itanagar.

14:Darmar Ete
Age: 49
Occupation :
Son of Late Hendar Ete
permanent resident of Darka Village
PO and PS Aalo
West Siang District
Arunachal Pradesh

Advocate for the Petitioner : Nani Kuru,

Advocate for the Respondent : Dicky Panging,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

24.11.2025

Heard Ms. N. Danggen, learned counsel for the petitioner.

2. Also heard Mr. D. Mazumdar, learned Senior counsel assisted by Mr. B. Kausik, Mr. D. Panging, learned counsel for private respondents and Mr. R. H. Nabam, learned Addl. Advocate General for the State respondents.

3. Mr. R. Saikia, learned counsel for the petitioners has submitted that the subject matter of WP (C) 459 (AP) 2022 is different from other 3 (three) writ petitions, namely, WP (C) 284 (AP) 2025, WP (C) 14 (AP) 2022 and WP (C) 295 (AP) 2024. The submission is not agreed by Mr. Nabam. Be that as it may.

4. Ms. N. Danggen, learned counsel for the petitioners has made a prayer for adjournment, which is objected by Mr. D. Mazumdar, learned counsel for

private respondents.

5. Mr. Mazumdar, learned Senior counsel has submitted that as on date, 7 (seven) numbers of posts of Executive Engineer are vacant and the petitioners who are claiming promotion to the said post by way of promotion with retrospective effect, are only 3 (three). Out of 4 (four) private respondents, 2 (two) have already been promoted to the posts of Executive Engineer and their promotions have been made subject to the outcome of the writ petition. The remaining 2 (two) private respondents are also direct recruits of the year, 2009 as like the 2 (two) private respondents who have already been promoted to the posts of Executive Engineer. He has, thus, submitted that DPC has already considered their cases and the decisions of the DPC for the 2 (two) remaining private respondents and the decisions of the DPC can be made subject to the outcome of the writ petition, the 3 (three) petitioners are not going to suffer any prejudice as their cases can be considered for the remaining 5 (five) vacant posts may be allowed to be published.

6. Ms. Danggen, learned counsel for the petitioners has submitted that she is being led by Mr. K. N. Choudhury, learned Senior counsel, who has some personal difficulty today to appear in the cases. Ms. Danggen, has, thus, prayed for listing of these cases on 03.12.2025.

7. This Court has already observed in the order dated 28.10.2025 that all these matters would be taken up for admission hearing.

8. The prayer made on behalf of the petitioner is accepted; with the observation that, no further prayer for adjournment shall be made on 03.12.2025. It is further observed that, in the event the cases could not be

taken up for final consideration, an endeavor would be made to give consideration of the interlocutory application, I.A. (C) No. 218 (AP) 2025

9. Interim order, if any, shall remain extended till the next date of listing.

List accordingly on **03.12.2025**

JUDGE

Comparing Assistant