

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**WRIT PETITION NO. 978 OF 2008 (S/S)**

Mahendra Singh Rawat .....Petitioner.

Versus

State of Uttarakhand and others. ....Respondents.

Mr. Paresh Tripathi, learned counsel for the petitioner.

Mr. Gopal Narain, learned Brief Holder for the State.

**30<sup>th</sup> September, 2008**

**Hon'ble P.C. Verma, J.**

This petition is directed against the transfer order dated 19.9.2008 & the consequential order dated 20.9.2008 passed by the respondents no. 2 and 3 contained in Annexure No. 1 and 2 to the writ petition, whereby the petitioner has been transferred from Haridwar to Tehri Garhwal.

2. The petitioner has submitted that the State of Uttarakhand has initiated and circulated a Transfer Policy for its employee mentioning therein that the transfer on administrative ground should be made only on being satisfied that there are serious allegations against the incumbent and after making inquiry in that regard and action of the respondent in transferring the petitioner four times in a year is not only illegal and arbitrary but is virtually against the judgment of the Hon'ble Apex Court in *Prakash Singh and others Vs. Union of India and others* reported in (2006) 8 SCC Page 1 and the mandate of Section 28 (1) Uttarakhand Police Act.

3. Transfer is an exigency of service, but looking to the grievance of the petitioner, it is provided that the

petitioner shall be allowed to continue till 31<sup>st</sup> March, 2009 and at the time of annual general transfer, the petitioner's case for transfer shall be considered taking into account the aforesaid grievance of the petitioner.

4. With the aforesaid direction, the writ petition is disposed of along with the pending application(s).

5. Copy of the order to be given today.

(P.C. Verma, J.)

30.9.2008

*Rathour*