

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

Civil Writ Petition No.3078 of 2009.

Date of decision: 30.09.2010.

Inder Pal

... ..Petitioner

Versus

State of H.P. & Others

... ..Respondents

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?¹ No.

For the Petitioner: Mr.Vishwa Bhushan, Advocate.

**For Respondents 1 to 3:Mr.P.K. Sharma, Additional Advocate
General with Ms.Shubh Mahajan, Deputy
Advocate General.**

For Respondent No.4: Mr.Surender Saklani, Advocate.

Dev Darshan Sud,J.

The grievance of the petitioner in this writ petition is that his transfer from Sarkaghat to Basantpur, which is admittedly at a distance of 8 Kilometers from Sarkaghat, and posting respondent No.4 in his place at Sarkaghat is against the instructions of the Government. In support of his submission learned counsel relies upon the instructions of the Government Annexure P-4 relating to appointment of Patwaries. His second contention is that since

¹ *Whether the reporters of Local Papers may be allowed to see the judgement?*

Yes.

petitioner has been deployed on census duties, he cannot be transferred.

2. Adverting to the second submission first, since the petitioner has only been shifted 8 Kilometers from his original place of posting, the letter and spirit of the order prohibiting transfers, when a person is appointed on census duties, is not violative of any law. So far as the other aspect is concerned, I fail to comprehend as to how employees are claiming vested rights to serve in a particular place for a particular length of time. In this case I do not intend to interfere in the transfer as the petitioner as he has been shifted only to a distance of 8 Kilometers from his original place of posting. This petition is disposed of. All interim orders are vacated. All miscellaneous applications are disposed of.

September 30, 2010.
(aks)

(Dev Darshan Sud)
Judge.