

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

**CWP No. 4727 of 2011.
Decided on: 31.8.2011**

Naresh Kumar Kalyani	...Petitioner.
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Versus

State of Himachal Pradesh & others	...Respondents
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The Hon'ble Mr. Justice Kurian Joseph, Chief Justice.

The Hon'ble Mr. Justice Rajiv Sharma, Judge.

For the petitioner :	Mr. Vikrant Sankhyan, Advocate.
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For the respondents :	Mr. R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, Additional Advocate General and Mr. J.K. Verma, Deputy Advocate General.
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Justice Kurian Joseph, C.J. (Oral)

The petitioner approached this Court aggrieved by his transfer. On 22nd June, 2011, this Court passed the following order:

“.....There will be a direction to the Chief Secretary to file an affidavit as to what are the prevailing norms and guidelines regarding transfer allowance and joining time. It will also be stated in the affidavit as to when these norms came into force and whether the norms have ever been reviewed in view of the developments which have taken place in the past years in terms of communication and transportation. The affidavit, as above, shall be filed within a month.

In case vacancy at HP PWD, Sub Division No. II, Dharamsshala still exists, the petitioner shall be retained and allowed to continue for the time being.”

2. The Chief Secretary has filed an affidavit dated 29th July, 2011, stating therein that the petitioner has been retained.

3. As far as the issue of TTA and joining time is concerned, it is stated that the transfer traveling allowance is paid as per the instructions issued by the Finance Department from time to time. However, as far as the joining time is concerned, it is stated that the same is given as per the provisions of the Central Civil Services (Joining Time) Rules 1979, wherein it is stated that a person is entitled to get joining time of 10-12 days, where the transfer is to a distance of 1000 kilometers or less. We are of the view that the State should take note of the fact that the Rules are of the year 1979. It is also to be noted that in the case of a person, who is transferred to a distance beyond 25 kilometers, he will be entitled to get 10 days of joining time. Whether it is required or not, was the question directed to be considered by the State, in the order, as above. We find that there is no consideration in that regard.

4. There will be a direction to the Chief Secretary to the State of Himachal Pradesh to look into this aspect and see whether it is not in public interest to have a re-look on the Rules regarding

the joining time, fixing appropriate slabs. This shall be done within a period of three months.

5. With the above observation, the writ petition is disposed of, so also the pending application(s), if any.

A copy of this judgment, duly authenticated by the Court Master, be supplied to the learned Advocate General.

(Justice Kurian Joseph)
Chief Justice

August 31, 2011
(sck/hl)

(Justice Rajiv Sharma)
Judge