

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

**CWP No. 7149 of 2010.**

**Decided on: 28.2.2011.**

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<b>Sh. Joginder Singh</b>	<b>... Petitioner.</b>
<b>Versus</b>	
<b>State of H.P. and others.</b>	<b>... Respondents.</b>

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**Coram:**

**Hon'ble Mr. Justice V.K. Sharma, Judge.**

**Whether approved for reporting?<sup>1</sup>      No.**

<b>For the petitioner</b>	<b>:</b>	<b>Mr. Onkar Jairath, Advocate.</b>
<b>For the respondents</b>	<b>:</b>	<b>Mr. Anil Jaswal, Dy.A.G.</b>

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**Justice V.K. Sharma, Judge (Oral).**

The petition has been filed on the following prayers  
vide paras (i) and (ii):-

- “(i). That Your Lordships may graciously be pleased to issue the writ in the nature of certiorari quashing and setting aside the impugned Office Order dated 2.11.2010 contained in Annexure P-4.
- (ii). That Your Lordships may further graciously be pleased to issue the writ in the nature of mandamus directing the respondents to allow the petitioner to continue working at present place of posting i.e. Government Senior Secondary School, Rey, District Kangra.

2. The respondents have taken the following stand vide para 4 of their reply:-

- “4. That in reply to this para it is submitted that petitioner since his first appointment has worked in District Kangra only, therefore, he had no reason to object his transfer earlier and now when he has been transferred to other District he is feeling aggrieved. It is further submitted that every Govt. employee is bound to discharge his duties to the best of his ability and to the entire satisfaction of his superiors, therefore, the petitioner is not an exception.

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment? No.

The petitioner has served only in three places of District Kangra during his entire service none of them is hard and difficult area hence his contention wrong and denied. The detail of previous place of posting of petitioner is as under:-

1. GSSS Rey (Kangra) 8.6.1995 to 15.3.2005.
2. GSSS Sansarpur (Tarrace (Kangra) 15.3.2005 to 15.9.2005.
3. GSSS Rey (Kangra) 15.9.2005 to till date.”

3. The petitioner is working as Lecturer (History) in the respondent-Department. Vide office order dated 2.11.2010, Annexure P-4, he has been transferred from Govt. Sr.Sec. School, Rey, District Kangra to Govt. Sr.Sec.Sechol, Bogdhar, District Sirmaur. The only grievance of the petitioner is that the academic session of his children, who are studying in 1st and 4th standard and one of them is disabled to the extent of 40% and further process with regard to their admission in the next classes would be over by 30.4.2011 and till then he may be permitted to continue at the place of his present posting at Govt. Sr. Sec. School, Rey, District Kangra.

4. In the facts and circumstances of the case and on an overall view of the matter, the petition is disposed of with a direction to respondent No.2 to permit the petitioner to continue at his present place of posting in Govt. Sr. Sec. School, Rey, District Kangra till 30.4.2011 by which time the academic session and further admission of his children would be over.

5. The petition stands disposed of in the above terms, so also pending application(s), if any.

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(V.K. Sharma)  
Judge.

February 28, 2011.  
(cr)