

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO. 77/2011 (S/S)

Constable 2, Mahesh Ram & Others

..... Petitioners

Versus

State of Uttarakhand & Others

.... Respondents

January 27, 2011

Mr. Hem Chandra Joshi, Advocate, present for the petitioners.
Mr. Dinesh Gahtori, Standing Counsel for the State/respondent.

HON'BLE V.K. BIST, J.

By way of this writ petition, the petitioners have challenged their transfer order dated 12.1.2011 passed by the respondent no. 2, which is contained in Annexure No. 1 to the writ petition.

2. Heard learned Counsel for the parties and perused the materials available on record.

3. Briefly stated facts of the case are that the petitioners are Constables, who are presently posted at Police Line, Almora. After having successfully completed their training period, they became eligible to be promoted as Head Constables. Accordingly, vide the impugned order dated 12.1.2011, the petitioners have been promoted to the post of Head Constable and have been transferred from the Police Line, Almora to the Garhwal Region. Feeling aggrieved, the petitioners have challenged their transfer to Garhwal Region.

4. It is not disputed that the petitioners hold transferable post. Transfer is an exigency of service. It is well settled that in transfer matters, if malafide is not established, the same cannot be interfered with by this Court under Article 226 of the Constitution of India. From

a perusal of the writ petition, is clear that no malafide is made. Therefore, writ petition is devoid of merit and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed *in limine*. However, it is provided that petitioners may make a representation in this regard before the respondent no. 2 within two weeks from today and the same shall be decided by the respondent no. 2 within one month from the date of presentation of the said representation in accordance with law.

(V.K. Bist, J.)
Vacation Judge

27.1.2011
PRABODH