

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 10092-2011-J

Date of Decision : July 31, 2012

Parkash Chand Verma son of late Sh. Prithi Singh,
Resident of Village Lahla, P.O. Krishnanagar,
Tehsil Lad-Bhadol, District Mandi,
Presently working as Principal,
Govt. College Jaisinghpur, Tehsil Jaisinghpur,
District Kangra, H.P.

... Petitioner

Versus

1. State of Himachal Pradesh through the Secretary (Higher Education) Government of Himachal Pradesh, Shimla.
2. Jagdish Lal, Principal, Government College Pangi, District Chamba, H.P.

...Respondents

Civil Writ Petition under Article 226 of the
Constitution of India.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Judge.

For the petitioner : Mr. Sunil Mohan Goel, Advocate, for the
petitioner.

For the respondent : Mr. Ram Murti Bisht, Deputy Advocate
General, for respondent No. 1.

Justice Sanjay Karol, J. (Oral)

On 24.11.2011 the Division Bench of this Court
passed the following order:-

"CWP No. 10092/2011 & CMP No. 12282/2011

No notice need be issued to the second
respondent at this stage. There will be a direction to the

first respondent to file a short reply as to why despite Annexure P-3, request from the second respondent, the transfer is effected during the mid academic session. The petitioner and the second respondent shall work at the respective places for the time being. Short reply shall be filed within a month.

Post on 29th December, 2011.

Authenticated copy. The petitioner shall communicate this order by telegram to the second respondent."

2. Undisputedly petitioner has completed his normal tenure of posting of three years. Challenge to the impugned order of transfer of petitioner from Government College, Jaisinghpur, Kangra to Government College, Pangti, Chamba during mid academic session does not survive any longer. Posting and placement of an employee is the sole prerogative of the employer and unless the transfer is illegal or malafide, Courts are not indulgent in interfering with such orders.

3. In the instant case, it is urged that the private respondent who stands transferred in place of the present petitioner has made a representation for his adjustment at Chamba on account of his attending family circumstances. It is urged that respondent can consider case of the petitioner as also private respondent for their posting at suitable places.

4. The present petition is thus disposed of with a direction to respondent No.1 to consider case of the petitioner as also private respondent and take a decision, in accordance with law, based on administrative exigencies within a period of three weeks from today. Petitioner shall immediately approach respondent No. 1. During this period petitioner shall be allowed to continue to work at his original place of posting as is so directed vide orders dated 24.11.2011.

With the aforesaid observations, present petition stands disposed of, so also the pending application(s), if any.

Copy dasti.

**(Justice Sanjay Karol),
Judge.**

**July 31, 2012
(PK)**