

# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1758/2014-F

Date of decision : 31.3.2014

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Harbans Singh	...	Petitioner.
<i>Versus</i>		
State of Himachal Pradesh and others	...	Respondents

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*Coram:*

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

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

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

For the Petitioner : Mr. B.S. Negi, Advocate.

For the Respondents : Mr. Ashok Chaudhary, Addl. A.G. and  
Mr. Anup Rattan, Addl. A.G.

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**Sanjay Karol, Judge** (Oral)

Mr. Anup Rattan, learned Additional Advocate General points out that the transfer of the petitioner has been effected on the basis of D.O. Note.

2. In these circumstances, we find that the case of the petitioner is squarely covered by the decision of this Court in *CWP No.801 of 2013*, tilted as *Sanjay Kumar versus State of H.P. and others*, alongwith connected matters, decided on 5.7.2013. We accordingly quash and set aside transfer order dated 15.2.2014 (Annexure P-1), so far it effects the transfer of the petitioner.

3. It shall be open for the petitioner to approach 2<sup>nd</sup> respondent, seeking transfer, since we find that

**...2...**

petitioner has completed the normal tenure. The respondents are directed to consider him for posting out of tribal area in terms of the Transfer Policy. We leave it open to the respondents to transfer the petitioner in accordance with law. Liberty granted to the State to take action in accordance with law.

With the aforesaid observations, present petition stands disposed of as not pressed, so also pending application(s), if any.

**(Sanjay Karol),  
Judge.**

**(Dharam Chand Chaudhary),  
Judge.**

*March 31, 2014 (KS)*