

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 1911 of 2014

Decided on: 31.3.2014

Shakti Bhushan Sood ...Petitioner

Versus

State of Himachal Pradesh and others ...Respondents

Coram:

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

The Hon’ble Mr. Justice Tarlok Singh Chauhan, Judge.

*Whether approved for reporting?*¹

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

For the respondents: Mr. V.S. Chauhan & Mr. Romesh Verma, Addl. Advocates General.

Rajiv Sharma, Judge (oral):

Petitioner was appointed as Lecturer (School Cadre) in Computer Techniques and was posted in Government Senior Secondary School (Girls), Portmore, Shimla in the year 1989. He was sent on deputation to Bilaspur for four months in the year 1990. He was posted in Government Senior Secondary School (Boys), Solan in the month of April 2012. He remained there till 17.8.2012 and was again transferred back to Government Senior Secondary School (Girls) Portmore.

¹ *Whether the reporters of the local papers may be allowed to see the judgment?*

2. Now, petitioner is aggrieved by transfer order dated 4.3.2014, Annexure P-8, whereby he has been transferred from Government Senior Secondary School (Girls), Portmore, Shimla to Government Senior Secondary School Banjar, Kullu. Fact of the matter is that the petitioner has remained posted in Shimla for about 24 years, except short stay at Bilaspur and Solan. Petitioner has no vested right to serve at a particular station. It is for the employer to transfer an incumbent to a station taking into consideration extreme exigencies of services.

3. Mr. Sunil Mohan Goel, learned Advocate, has vehemently argued that model code of conduct came into force w.e.f. 5.3.2014 and the impugned order issued on 4.3.2014 is antedated. This plea cannot be believed. The transfer of the petitioner has been effected before model code of conduct. He also contended that the transfer is on the basis of D.O. note. Even assuming hypothetically that the petitioner transfer is based on D.O. note, suffice it to say, petitioner has remained posted at Shimla for about 24 years. Petitioner has already completed his normal tenure in Shimla and he has been transferred from Shimla to Banjar in public interest. Petitioner already stands relieved by the Principal concerned. It is clear from the medical certificate, Annexure P-12, that the disease is not life threatening. It is well settled that scope of judicial review in transfer matter is very limited. Petitioner has not alleged any mala fide against the authority concerned specifically.

4. Accordingly, in view of the discussion and analysis made hereinabove, there is no merit in the writ petition and the same is dismissed. Pending application(s), if any, also stands disposed of. No order as to costs.

(Rajiv Sharma)
Judge

(Tarlok Singh Chauhan)
Judge

31st March, 2014
(pankaj)