

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No. 558 of 2020
Decided on: 31.01.2020**

Amit Kumar

....Petitioner

Versus

State of H.P. & others

....Respondents

Coram

The Hon'ble Ms. Justice Jyotsna Rewal Dua, Vacation Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Ajay Kumar, Advocate.

For the respondents : Mr. Ranjan Sharma and Mr. P.K. Bhatti, Addl. AGs with Ms. Svaneel Jaswal and Ms. Divya Sood, Dy. AGs.

Jyotsna Rewal Dua, Vacation Judge (oral)

Issue notice. Mr. P.K. Bhatti, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents-State.

2. The petitioner was appointed on contract basis as Inspector, Food, Civil Supplies & Consumer Affairs at Pooh, District Kinnaur, H.P. on 02.08.2016.

3. Learned counsel for the petitioner submits that ever since the appointment of the petitioner, he has served in the aforementioned place, which is hard and tribal area. He further submits that the petitioner in past has preferred various representations, i.e. 18.09.2019 (Annexure P-2),

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

02.11.2019 (Annexure P-3), 04.12.2019 and 04.01.2020, to the competent authority seeking his transfer outside hard and tribal area to a softer area in view of his adverse family circumstances, which have been detailed in the writ petition that father of the petitioner, who is 75 years of age, is suffering from serious disease of lungs cancer and he is undergoing treatment from PGI, Chandigarh.

4. Since the petitioner has already completed his normal tenure of service at hard and tribal area, therefore, in accordance with the transfer policy, he is liable to be posted to one of the stations of his choice, which he has also indicated in the writ petition, i.e. (i) Block Jhandutta, District Bilaspur, H.P. (ii) Block Bilaspur (Sadar), District Bilaspur, H.P. and (iii) Block Ghumarwin, District Bilaspur, H.P.

5. In view of the above submissions, the petitioner has prayed for a direction to the respondents for his transfer to a station of his choice.

6. Looking into the fact that the petitioner has already completed his normal tenure at present place of posting, as well as the fact that the petitioner has adverse family circumstances, as his old aged father is suffering from serious disease of lungs cancer and undergoing treatment from PGI, Chandigarh, there shall be direction to respondent No. 2 to sympathetically decide the pending representation of

the petitioner seeking his transfer to any of the softer areas, already indicated in his writ petition and representation positively within two weeks from today and ensure that the petitioner is relieved immediately.

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

Copy ***dasti***.

January 31, 2020
(raman)

(Jyotsna Rewal Dua)
Vacation Judge