

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.**

CWP No. 3413 of 2021

Decided on: 30.06.2021

Vaneet Kumar Pal ...Petitioner
Versus
State of H. P. & Anr. ...Respondents

Coram:

Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.

Whether approved for reporting? ¹No.

For the Petitioner : Mr. Tarun K. Sharma, Advocate.

For the Respondents: Mr. Ashok Sharma, A.G. with Mr. Vinod Thakur, Mr. Shiv Pal Manhans, Mr. Hemanshu Misra, Mr. Vikas Rathore, Addl. A.Gs., Mr. J. S. Guleria and Mr. Bhupinder Thakur, Dy. A.Gs.

(Through Video Conferencing)

Tarlok Singh Chauhan, Judge (Oral)

The instant petition has been filed for the grant of following substantive reliefs:-

i) That any appropriate writ/order or direction in the nature of certiorari may kindly be issued and the impugned transfer orders dated 29.04.2021 as well as office order dated 11.06.2021 at Annexure P-3 & Annexure P-7 may kindly be quashed.

ii) That any appropriate writ/order or direction in the nature of mandamus may kindly be issued and the respondents may be directed to permit the petitioner as Horticulture Development Officer at PCDO, Palampur, District Kangra, Himachal Pradesh.

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

2. Admittedly, the petitioner is working as Horticulture Development Officer on contract basis, therefore, in terms of his contract, he could not have been transferred in view of Clause-6 of the Contract.

3. It is apposite to quote clause-6 of the contract, which reads as under:-

“6. An official appointed on contract basis who have completed three years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.”

4. Since, the petitioner could not have been transferred contrary to the contract of appointment, therefore, we find merit in this petition and, accordingly, the impugned transfer order dated 29.04.2021 (Annexure P-3) qua the petitioner and office order dated 11.06.2021 (Annexure P-7), are ordered to be quashed and set aside. The petitioner is permitted to work at the station where he had been serving and shall not be disturbed till the time he does not complete his tenure at the given station.

The petition stands disposed of, so also pending applications, if any.

**(Tarlok Singh Chauhan)
Judge**

**(Chander Bhusan Barowalia)
30th June, 2021 (TM/sanjeev)
Judge**