

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

ON THE 30th DAY OF OCTOBER 2021

BEFORE

HON'BLE MR. JUSTICE TARLOK SINGH CHAUHAN

&

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION No. 6300 of 2021

Between:-

**BABITA KUMARI,
WIFE OF SHRI SAHIL POSWAL,
RESIDENT OF VILLAGE SUKNAL,
POST OFFICE AND TEHSIL
JAWALAMUKHI, DISTT. KANGRA,
H.P. 176031.**

....PETITIONER

(BY SH. MANOHAR LAL SHARMA, ADVOCATE)

AND

- 1. STATE OF HIMACHAL PRADESH,
THROUGH ITS SECRETARY (EDUCATION)
GOVERNMENT OF HIMACHAL PRADESH,
SHIMLA-171002.**
- 2. DIRECTOR OF ELEMENTARY EDUCATION,
HIMACHAL PRADESH, SHIMLA-171001.**
- 3. PRINCIPAL,
GOVT. SENIOR SECONDARY SCHOOL KATHOG,
DISTT. KANGRA, H.P.**
- 4. SHRI ASHWANI KUMAR,
SON OF NOT KNOW TO THE PETITIONER,
TGT NON MEDICAL, GSSS KATHOG,
DISTT KANGRA, H.P.**

....RESPONDENTS

**(SH. ASHOK SHARMA, ADVOCATE GENERAL WITH
MR. RAJINDER DOGRA, SR. ADDL. A.G AND MR. SHIV
PAL MANHANS, ADDL. A.G.)**

This petition coming on for orders this day, ***Hon'ble***

Justice Tarlok Singh Chauhan, passed the following:

O R D E R

The present petition has been filed with the following substantive reliefS:

- “i) That office orders dated 25.9.2021 & 27.9.2021 (Annexure P-3) to P-5) may kindly be quashed and set aside.
- ii) That the petitioner may kindly be allowed to continue to work at GSSS Kathog, Distt Kangra, H.P.”

2. Record reveals that the transfer of the petitioner has been ordered to be effected solely on the basis of a D.O. Note and non application of mind by the employer. Accordingly, the present petition is allowed and the impugned transfer orders dated 25.9.2021 & 27.9.2021 (Annexure P-3 to P-5) are quashed and set aside. However, since the petitioner has completed her tenure at the given station, it shall always be open to the official respondents to transfer the petitioner in accordance with the Comprehensive Guiding Principles-2013

for regulating the transfers of the State Government Employees and this order shall not come in the way of the respondents. Pending application(s) if any, also stands disposed of.

Dasti copy.

(Tarlok Singh Chauhan)
Judge

30th October, 2021
(kck)

(Jyotsna Rewal Dua)
Judge