

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

**CWP No. 2802 of 2023**

**Decided on: 31.05.2023**

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Sanjeev Kumar

...Petitioner

Versus

State of H. P. & Ors.

...Respondents

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**Coram:**

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

**Hon'ble Mr. Justice Virender Singh, Judge.**

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

**For the Petitioner :** Mr. Narender Singh Thakur, Advocate.

**For the Respondents :** Mr. Anup Rattan, A.G. with Mr. Y. W. Chauhan, Sr. Addl. A.G., Mr. Ramakant Sharma, Ms. Sharmila Patial, Addl. A.Gs., Ms. Priyanka Chauhan, Dy. A.G. and Mr. Rajat Chauhan, Law Officer, for respondents-State.

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**Tarlok Singh Chauhan, Judge (Oral)**

Aggrieved by the order of transfer, the petitioner has filed the instant petition for grant of the following substantive reliefs:-

- "i. That any appropriate writ/order or direction in the nature of certiorari may kindly be issued and the impugned transfer order and corrigendum dated 28.04.2023 i.e. Annexure P-1 may kindly be quashed and set aside.
- ii. That any appropriate writ/order or direction in the nature of mandamus may kindly be issued and the respondents maybe directed to allow the petitioner to

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<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment? yes

continue at GSSS Pubowal, District Una, H.P. in the interest of justice and fair play.

2. A perusal of the record produced by the respondents, pursuant to the directions passed by this Court, would go to reveal that the petitioner has been transferred simply on the basis of D.O. note issued by a minister, who is not concerned with the department in which the petitioner is working. Obviously, in such circumstances, the order of transfer cannot sustain.

3. Accordingly, the present petition is allowed and the impugned transfer order dated 28.04.2023 (Annexure P-1) is quashed and set aside. However, since the petitioner has completed his normal tenure of service at the present place of posting, therefore, this order shall not come in the way of the official-respondents, in case, they decide to effect the transfer of the petitioner in accordance with law.

4. The petition stands disposed of in the aforesaid terms, so also pending application(s), if any.

**(Tarlok Singh Chauhan)**  
**Judge**

**(Virender Singh)**  
**Judge**

**31<sup>th</sup> May, 2023**  
(sanjeev)