

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.8265 of 2023

Date of Decision: 31.10.2023

Surinder KumarPetitioner

Versus

State of H.P. and others ... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

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

For the Respondents: Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals and Ms. Sunaina, Deputy Advocate General.

Sandeep Sharma, Judge(oral):

Being aggrieved and dissatisfied with order dated 26.10.2023 (Annexure P-1), whereby petitioner, who is a Deputy Ranger, has been transferred from the office of Divisional Forest Officer, Nurpur, District Kangra, H.P., to Forest Block Sangrah, Range Sangrah under Forest Division Renukaji, District Sirmour, Himachal Pradesh, petitioner has approached this Court in the instant proceedings, praying therein to set aside aforesaid order.

2. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Ashwani K.

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

Sharma, learned counsel representing the petitioner, is that petitioner has been ordered to be transferred from the present place of posting before completion of his normal tenure of posting.

3. While accepting notice on behalf of the respondents, learned Additional Advocate General invited attention of this Court to the averments contained in the petition as well as documents annexed therewith, to demonstrate that petitioner throughout remained posted in District Kangra, H.P. Learned Additional Advocate General further submitted that otherwise also, petitioner has already completed two years of service at the present place of posting and as such, prayer made on his behalf for cancellation of his transfer order is not tenable in the eye of law. Since petitioner has already worked at the present place of posting i.e. Nurpur for more than one year seven months, coupled with the fact that he has throughout remained posted in District Kangra, which is his home District, there appears to be no justification to interfere in the transfer order, however, having taken note of adverse family circumstances, which has been brought to the notice of this Court during the proceedings of the case, this Court deems it fit to dispose of the present petition, reserving liberty to the petitioner to file representation to the competent authority, requesting therein for cancellation of his transfer order or adjustment at nearby station, which shall be decided by competent authority in a time

bound manner. Learned Additional Advocate General is not averse to aforesaid innocuous prayer made on behalf of the petitioner.

4. Consequently, in view of the above, the present petition is disposed of, reserving liberty to the petitioner to file representation before the competent authority, seeking therein cancellation of his transfer order/ adjustment within a period of one week, which in turn, shall be decided by the competent authority within a period of two weeks, strictly in terms of transfer policy, wherein admittedly provision has been made to accommodate an employee on account of adverse family circumstances. Needless to say, authority concerned while doing the needful in terms of instant order shall afford an opportunity of being heard to the petitioner and pass detailed speaking order thereupon. Liberty is reserved to the petitioner to file appropriate proceedings in appropriate Court of law, if he still remains aggrieved. Till the time representation filed by the petitioner is not decided by the competent authority, he shall not be compelled to join at the transferred station. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),
Judge**

October 31, 2023
(shankar)