
(2011) 04 SHI CK 0192
In the High Court Of Himachal Pradesh
Case No : CWP No. 5065 of 2010

Beli Ram Kaundal

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 05-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0192

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Judgement

Deepak Gupta, J.—By means of this petition the Petitioner has challenged the transfer order dated 4.8.2010 whereby he was transferred from the post of ADM, Bilaspur as Joint Secretary, H.P. Public Service Commission, Shimla.

2. The grievance of the Petitioner basically is that he has been transferred six times in a span of three years. On the Petitioner was posted as RTO, Kullu. Four months later on 17.10.2007 the Petitioner was ordered to be posted as ADM, Kaza. He was again posted to Kullu on from Kaza. Then on 27.4.2008 again within a period of three months the Petitioner was posted from Kullu as ADM, Chamba. He served there for one year and 4 months and then was posted as ADM, Bilaspur on 3.12.2009. He had worked for barely eight months when he was again transferred and posted as Joint Secretary, HP Public Service Commission, Shimla, which posting is under challenge.

3. Normally this Court would not interfere in a transfer order especially a transfer order of a senior officer where due to administrative exigencies transfers may be ordered even before the officer completed the normal tenure of three years. But here is a person who has been posted six times in three years. This averages to a transfer every six months. It is not the allegation of the Respondent that the Petitioner was found careless in his work but it seems that transfer has been ordered in routine without looking into this aspect of the matter as to how much time the Petitioner has spent at the last place of posting.

4. The Petitioner is due to retire on November 2012 and belongs to district Mandi. Since the Petitioner has joined at Shimla, it would not be appropriate for this Court to quash his transfer order but I am definitely of the opinion that since the Petitioner is nearing his retirement and has been transferred six times in the last three years this is a case where the government should seriously consider the request of the Petitioner before posting him at a place in or around his native district. The Petitioner may make a representation in this behalf within two weeks from today and the same shall be considered within four weeks thereafter and it is expected that if it is administratively possible then the State shall accept the request of the Petitioner and post him at a station which is close to Mandi. The request of the Petitioner should be considered sympathetically.

5. The petition is disposed of accordingly. No order as to costs.