

(2022) 05 SHI CK 0067

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No.3244 Of 2022

Bhagat Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 24-05-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 05 SHI CK 0067

Hon'ble Judges : Sabina, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Munish Datwalia, Ashwani K. Sharma

Judgement

Sabina, J

1. Petitioner has filed the petition under Article 226 of the Constitution of India, seeking the following relief

"A. That the writ petition may kindly be allowed and the impugned transfer order dated 10.05.2022 Annexure P-2 may kindly be set aside in the interest of Justice.

B. That writ in the nature of mandamus may kindly be issued directing the respondents that petitioner may kindly be retained at Government Senior Secondary School Nau-Pnau Mandi HP, keeping on view of facts and submission made in para supra in the interest of Justice."

2. Learned counsel for the petitioner has submitted that petitioner has not completed his normal tenure at the present place of posting. Petitioner is due to retire within a period one and a half years. As per Clause 5.5 of the Transfer Policy dated 10.07.2013, in case of Class -III and Class-IV employees likely to retire within two years, as far as possible, should be posted in the convenient place/stations, subject to vacancy.

3. Accordingly, without advertent to the merits of the case, we deem it appropriate to dispose of the writ petition with liberty to the petitioner to

approach respondent No.2, Director of Higher Education, Himachal Pradesh, by way of a representation in terms of Transfer Policy dated 10.07.2013, within one week from today and respondent No.2 shall dispose of the same, in accordance with law, within two weeks thereafter.

4. Till the disposal of the representation, moved by the petitioner, operation of impugned order dated 10.05.2022 (Annexure P-2), qua the petitioner, shall remain stayed.

5. Pending miscellaneous application(s), if any, shall also stand disposed of.