

(2022) 01 SHI CK 0008
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 5106 Of 2021

Chaman Lal

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 03-01-2022

Acts Referred:

Citation : (2022) 01 SHI CK 0008

Hon'ble Judges : Tarlok Singh Chauhan, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Vinod Chauhan, Rajinder Thakur

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed for grant of the following substantive reliefs:

â??i) That the impugned transfer order dated 25.8.2021 contained in Annexure P-7 may kindly be quashed and set aside qua the petitioner and

petitioner may be allowed to be continue at the present place of posting.

ii) that the respondents may further be directed to comply with the instructions/ office orders contained in Annexure P-1 and P-2, or in the alternative

the petitioner may kindly be ordered to be posted/transferred to the station of his choice for which consent was given by the petitioner vide Annexure

P-6, in the interest of justiceâ??.

2 It is not in dispute that the petitioner after having suffered frost bite has become physically disabled to the extent of 26% and it was on account of

such disability that he was exempted three times from the routine exercise of transfer. However, now the Chief Medical Officer has examined the

petitioner and found him to be unfit for duties at altitude above 9000 feet, but has opined that he can be transferred to any unit at altitude below 9000

feet as is evident from Annexure R-7 annexed with the reply of the respondents.

3 Record further reveals that the petitioner did not file any representation setting out therein five stations of his choice and on failure to do so, he has

been transferred to 26th Battalion, Ludhiana (Punjab) vide the impugned order, whereas the petitioner, if at all to be transferred, was interested to be

posted at Kullu or Chandigarh.

4. Once that be so, obviously the petitioner cannot have his own way and will have to abide by the regulations. However, taking into consideration the

individual hardship of the petitioner, we permit him to file a representation setting out therein 5 stations of his choice to respondents within a period of

one week from today and in the event of such representation being made, we have no doubt that the respondents shall consider the same

sympathetically and thereafter pass necessary order of transfer keeping in view the disability suffered by the petitioner. Needful be done within two

weeks after receipt of the representation. Till then, the petitioner shall be permitted to discharge his duties at Kullu.

5. The instant petition is disposed of, in the aforesaid terms, so also the pending application(s), if any.