
(2023) 11 SHI CK 0008
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 8437 Of 2023

Dina Nath

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 03-11-2023

Acts Referred:

Citation : (2023) 11 SHI CK 0008

Hon'ble Judges : Ranjan Sharma, J

Bench : Single Bench

Advocate : Adarsh K. Vashista, Anup Rattan, Rajan Kahol

Final Decision : Disposed Of

Judgement

Ranjan Sharma, J

1. Case of the petitioner, as submitted by learned counsel for the petitioner is that the only grievance of the petitioner is that he has served as a JBT in Government Primary School Seri in Education Block-Bajjnath i.e. hard and sub cadre area w.e.f. 28.05.1999 to 29.10.2011.

2. Now as per Office Order dated 30.10.2023, Annexure P-2, the petitioner has been transferred from GPS Chaugan Thathi (Bajjnath) to GPS Polling Bajjnath against the vacant post. Learned counsel for the petitioner assails this transfer order on the sole ground that the petitioner has already served in the tribal/difficult/hard area, therefore, the petitioner cannot be resend to the aforesaid areas, in terms of Clause 12 of the Transfer Guidelines/Policy.

3. Mr. Anup Rattan, Learned Advocate General assisted by Mr. Rajan Kahol, learned Additional Advocate General submits that, in case, the petitioner has earlier served in the difficult area then, in terms of Clause 12 and 16 of the Transfer Guidelines, normally the petitioner could not have been resend to such area and further submits that the department shall relook into the matter.

4. At this stage, learned counsel for the petitioner submits that the petitioner

shall be satisfied, in case, he is permitted to make representation for adjustment, indicating the hardships/grievances. The prayer appears to be genuine; therefore, this Court permits the petitioner to make a representation to respondent No.-2-Director of Elementary Education within a week, with further directions to the respondent No.2 to decide the same within two weeks thereafter. While deciding the representation, respondent No.2 is directed to take into account the vacant stations as indicated in para 5 of the writ petition also.

5. Keeping in view the above facts and circumstances, and the submissions, so made by learned Advocate General as referred to above, this Court is inclined to grant interim protection to the petitioner. Accordingly, the office order dated 30.10.2023, Annexure P-2 shall remain stayed.

In aforesaid terms, the Writ Petition stands disposed of. Pending miscellaneous application(s), if any, also stand disposed of.