

(2021) 02 SHI CK 0114
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 532 Of 2021

Dr. Shashi Kumar Sharma

APPELLANT

Vs

Dr. Y.S. Parmar University Of Horticulture & Forestry &
Another

RESPONDENT

Date of Decision : 04-02-2021

Acts Referred:

Citation : (2021) 02 SHI CK 0114

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Bhuvnesh Sharma, Avinash Jaryal

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. A Principal, Extension Specialist (Fruit Science), College of Horticulture, presently posted at Dr. Y.S. Parmar University of Horticulture &

Forestry, Neri, has come up before the Court against the order dated 15.1.2021, Annexure P-2.

2. I have heard Shri Bhuvnesh Sharma, learned counsel for the petitioner and Mr. Avinash Jaryal, learned counsel representing the respondent-

University and have also gone through the instructions, placed on record by the University.

3. Vide order dated 27.2.2020, Annexure P-1, the petitioner was posted at the above mentioned centre of the University at Hamirpur. In partial

modification of order dated 27.2.2020, Annexure P-1, second respondent directed that the petitioner to work for 15 days in a month at PIM Cell Vice

Chancellor Secretariat, Nauni. and remaining 15 days at College of Horticulture

and Forestry, Neri, his place of posting.

4. The petitioner is aggrieved by this modification on the grounds that his father, aged 80 years, is a cardiac patient and mother, aged 75 years, is

suffering from acute Asthma. Both of them need his immediate attention. He stated that his wife is posted as lecturer in Government Senior

Secondary School, Jalari (Hamirpur). As such she cannot attend his parents. His further argument is that his posting will affect his career and is result

of arbitrariness and it will affect his carrier.

5. Another ground for challenging the impugned order is that from May 2017 to June 2019, the petitioner remained posted at Kinnaur and thereafter he

worked at Shimla till 2020. After that he was transferred in the year 2020 to this place. As such, he is being disturbed unnecessarily.

6. So far as the alleged right, which the petitioner claim to have accrued to him by working in tribal area from May 2017 to June 2019, is concerned,

the simple arithmetic would show that he worked during two winters and two summers, whereas the transfer policy of the State provides for two

winters and three summers. Thus, the petitioner managed to get himself transferred before he completed his normal tenure for the tribal area, which

could have accrued him a right under clause 16.1 of the transfer Policy of the State, if such policy applies to the employees of the University.

7. The instructions placed on record by the second respondent reveal that the petitioner remained posted at Neri from 2000 to 2015 i.e. for around 14

years and 5 months. After that he again remained posted for 9 months and presently also the petitioner is at Neri for the last 11 months. The

instructions state that every time, he would manage his transfer at and around his home town.

8. The reasons given for transfer is that the University needs to post persons in PIM Cell to facilitate and strengthen its activities as such apart from

the petitioner, Dr. M.K. Brahmi, Associate Professor and Shri Rakesh Sharma, Assistant Engineer, have also been posted.

9. Careful analysis of the above would reveal that neither the impugned order is arbitrary nor result of malafide. The petitioner has failed to point out

any violation of transfer Policy or any Rule for the time being vogue. Given above, there is no merit in this writ petition and the same is accordingly

dismissed. Interim order dated 22.1.2021, is vacated with immediate effect.

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