

(2023) 04 SHI CK 0035

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No.1833 Of 2023

Dr. Shikha Sharma

APPELLANT

Vs

State Of H.P. And Another

RESPONDENT

Date of Decision : 06-04-2023

Acts Referred:

Citation : (2023) 04 SHI CK 0035

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

Bench : Division Bench

Advocate : Ashwani K. Sharma, Rakesh Dhaulta

Final Decision : Dismissed

Judgement

Satyen Vaidya, J

1. Heard.

2. By way of instant petition, petitioner has prayed for the following reliefs:

"i) A writ of certiorari may kindly be issued for the quashment of impugned transfer order dated 27th March, 2023 qua the petitioner wherein her name is figured at Sr. No. 22, issued by respondent No.1 was directed to be transferred from Veterinary Poly Clinic, Bhangrotu, District Mandi to Veterinary Hospital, Bah-Ki-Dhar, District Mandi, H.P. without considering the fact that she has completed only ten months at present place of posting and is yet to complete her normal tenure of three years, and without considering the fact that husband of the present petitioner is working as Medical Officer in Forensic Department, Medical College, Ner Chowk, District Mandi, and her adjustment as Veterinary Officer at Veterinary Polyclinic, Bhangrotu, District Mandi, was made on the basis of couple case and hence the impugned transfer orders are in violation to the couple policy, in the interest of justice.

ii) Further, a writ of mandamus be issued by directing the respondent authorities to allow the present petitioner to work at her present place of posting i.e.

Veterinary Polyclinic, Bhangrotu, District Mandi as she only completed 10 months at the present place of posting, in the interest of justice and fair play.”

3. Petitioner seeks to quash aforesaid transfer order on the grounds that petitioner has been transferred after 10 months without allowing her to complete the normal tenure of posting. As per petitioner, she was posted at Veterinary Polyclinic, Bhangrotu, District Mandi for the reason that her husband is posted at Government Medical College, Ner Chowk. The transfer has been effected to accommodate only respondent No.2 and there is neither any public interest nor administrative exigency in such transfer. Petitioner has also pleaded her personal difficulty on the ground that she is having a pregnancy of seven months.

4. Petitioner is holding Class-I post, therefore, she cannot avail the benefit of the provisions of “Comprehensive Guiding Principles-2013”, wherein the normal tenure of posting has been provided for Class-III and Class-IV employees.

5. Noticeably, the petitioner has been ordered to be posted at Veterinary Hospital, Bah-ki-Dhar, which is stated to be at a distance of only 30 kilometers from the present place of posting of petitioner. It is not the case of petitioner that Veterinary Hospital, Bah-ki-Dhar is not approachable by road or the transport facility is not available to such place.

6. In this view of the matter, petitioner cannot have any possible grievance for her posting at a distance of only 30 kilometers from the place her husband is posted.

7. As regards the pregnancy of petitioner, she can always make grievance to the employer regarding her individual hardship, if any.

8. Keeping in view the peculiar facts of the case, we do not find any merit in the instant petition and the same is accordingly dismissed, so also the pending miscellaneous application(s), if any.