

(2022) 02 SHI CK 0039

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 746 Of 2022

Gurdass Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 17-02-2022

Acts Referred:

Citation : (2022) 02 SHI CK 0039

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Rakesh Kumar Chaudhary Yudhbir Singh Thakur

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Notice. Mr. Yudhbir Singh Thakur, learned Deputy Advocate General appears and accepts service of notice for all the respondents.

2. Petitioner, serving as TGT (Arts) in Education Department, Government of Himachal Pradesh, has been posted in Government Middle School

Banibassa, under complex, GSSS Khummi, Tehsil Nankhari, District Shimla since his initial posting in September, 2017 and thus, he has completed

normal tenure at the present place of posting. He has approached this Court seeking direction for his transfer to Government Middle School Nalni,

Government Middle School Majhas or Government High School Doldhaar situated in Education Block Sundernagar, Distt. Mandi, against the vacant

posts on the ground that petitioner is a chronic patient of Atopic Dermatitis and Allergic Bronchitis and thus climate of high altitude is not suitable for

his health. According to petitioner he has submitted representation to the respondents but copy thereof is not available on record.

3 At this stage, learned Counsel for the petitioner has submitted that he would be content in case petitioner is permitted to file a fresh representation

within three days from today and directing the respondent/authority to consider the same in a time bound manner.

4. In view of the order proposed to be passed hereinafter, no reply/instruction is required to be called from the respondents.

5. As prayed, petitioner is permitted to make a fresh representation with complete details on or before 19.2.2022 and in case such representation is

preferred by the petitioner the same shall be decided by respondent No. 2 on or before 7th March, 2022, by giving opportunity of hearing, if desired so,

by passing a speaking and reasoned order.

6. Till the decision is taken on the representation of the petitioner, if so filed, the post of TGT (Arts) in the aforesaid stations shall not be filled, if not

already filled.

7. Needless to say that in case any adverse order is passed against the petitioner, he shall be at liberty to avail appropriate remedy for redressal of his grievance assailing the said order.

8. Parties may produce the downloaded copy of the order passed by the Court before the Authorities concerned if required and the concerned

Authority shall not insist for the certified copy of the order, rather passing of the order can be verified from the web-page of this Court.

Petition stands disposed of in the aforesaid terms. Pending miscellaneous applications, if any, also stand disposed of accordingly.