
(2022) 06 SHI CK 0008
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.3658 Of 2021

Hem Raj

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 10-06-2022

Acts Referred:

Citation : (2022) 06 SHI CK 0008

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Kulwant Chauhan, Narender Thakur

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1 .Issue notice. Mr. Narender Thakur, learned Deputy Advocate General appears and waives service of notice on behalf of the respondents.

2. Petitioner has approached this Court by way of instant petition, assailing the order of transfer, Annexure P-1, whereby, he has been transferred from the office of Superintendent of Police, Kullu to 1st HPAP Battalion, Junga, District Shimla, H.P. The specific grievance of the petitioner is that his transfer has been effected at a juncture when he is left with about one year and one month for his retirement.

3. Learned Counsel for the petitioner has placed on record an office order, dated 23.02.2007, issued by the Director General of Police, Himachal Pradesh, Clause 10 of which reads as under:-

"10. NGOs who are due for retirement within two years may be posted to either of the three places of their choice (except their Home District) subject to availability of vacancy and administrative possibility."

4. According to petitioner, his transfer is in violation of above stated guidelines

and he has not been transferred/posted at the place of his choice, despite the fact that he has already made a written representation to the Director General of Police, Himachal Pradesh, on 27th May, 2022, Annexure P-2.

5. Learned counsel for the petitioner has submitted that the petitioner shall be contended, in case, respondent No.2 is directed to decide the representation of the petitioner, in accordance with the guidelines issued by said respondent on 23rd February, 2007.

6. In view of the submissions made by learned counsel for the petitioner, without adverting to the merits of the claim of the petitioner, respondent No.2 is directed to decide the representation of the petitioner, Annexure P-2, within two weeks from today, in accordance with the guidelines for posting of NGOs (Executive Police), issued on 23rd February, 2007. The petitioner is directed to place a downloaded copy of this order before respondent No.2 positively by 13th June, 2022.

7. The impugned order of transfer, Annexure P-1, shall remain stayed till the decision by respondent No.2 on representation, Annexure P-2.

8. The petition is accordingly disposed of. All pending applications, if any, shall also stand disposed of.