

(2021) 10 SHI CK 0036
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6524 Of 2021

Jagdish Chand

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 21-10-2021

Acts Referred:

Citation : (2021) 10 SHI CK 0036

Hon'ble Judges : Mohammad Rafiq, CJ; Sabina, J

Bench : Division Bench

Advocate : Sanjeev Bhushan, Rajesh Kumar, Ashok Sharma, Ritta Goswami, Vikas Rathore, Seema Sharma

Judgement

Mohammad Rafiq, CJ

1. This writ petition has been filed by Jagdish Chand, who is working on the post of TGT (Arts). According to the petitioner, he was transferred from Government Senior Secondary School Bagheigarh to Government High School Bharara under complex Government Senior Secondary School, Lohtikri in December, 2014. Government High School Bharara falls under Churah Tehsil in District Chamba and is extremely hard area. One has to walk on foot for about four kilometers to reach the school. Petitioner has been teaching in this school for the last six years. Mother of the petitioner, who is about 80 years old, is suffering from various old age related ailments. His father has already passed away. There is compulsion to keep the mother of the petitioner at Chamba alongwith his wife and two children, who are studying in 4th and 6th standard.

2. Learned Senior Counsel for the petitioner submits that as per Clause 16.1 of the Office Memorandum, dated 10th July, 2013, containing the Comprehensive Guiding Principles-2013 for regulating the transfer of State Government employees, the petitioner having served in the difficult/hard area for over six years is now entitled to be posted at a place of his choice.

3. Perusal of the aforesaid clause indicate that on completion of normal tenure in

difficult/tribal/hard/most difficult area, the concerned officer/official, would have option of five stations of choice, which will be for more than one District and as far as possible, efforts will be made to post them in any one station of their choice of that category of stations in which he/she has not served earlier.

4. The petitioner, in the writ petition, has prayed for a direction to the respondents to consider posting him against the post of TGT (Arts) lying vacant at Government Middle School Tapoon under complex Government Senior Secondary School Mangla, Government Senior Secondary School, Mangla, District Chamba and Government Senior Secondary School Baror, District Chamba.

5. The petitioner has given option of three stations of his choice in District Chamba only, however, as per the Policy, he is required to give the option of five stations of choice for more than one District.

6. We, therefore, dispose of this writ petition requiring the petitioner to submit fresh representation to the Director, Elementary Education, Himachal Pradesh, in conformity with the aforesaid Clause 16.1 of the Office Memorandum, dated 10th July, 2013, containing the Comprehensive Guiding Principles-2013 for regulating the transfer of State Government employees, giving option of five stations of choice, preferably of vacant posts, in more than one District. The Director shall consider the request of the petitioner and pass appropriate order addressing his grievances, within a period of thirty days from the date of representation alongwith a copy of this order.

7. Pending miscellaneous applications, if any, shall also stand disposed of.

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