
(2020) 12 SHI CK 0156
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 3357 Of 2020

Karnail Singh

APPELLANT

Vs

State Of H.P. & Another

RESPONDENT

Date of Decision : 23-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0156

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Devender K. Sharma, Ashok Sharma, Adarsh Sharma, Rita Goswami

Final Decision : Allowed

Judgement

Anoop Chitkara, J

1. The petitioner, who is a Trained Graduate Teacher (Non-Medical), has come up before this Court seeking his transfer under Clause 16.1 of the

Com Guiding Principles, 2013, on the ground that he has been serving in Tribal Area w.e.f. 27.1.2014. In this regard, the petitioner had also

represented to the second respondent.

2. On 11th December, 2019, this Court had observed that since in the writ petition the petitioner had sought his transfer to any of the five stations

mentioned therein despite that the petitioner was not transferred and had directed the State to have instructions whether he could be adjusted against

one of the said vacancies or not.

3. As a sequel to the said order, on 31.12.2019, the State imparted instructions revealing that none of the said posts was lying vacant. On this the

petitioner took time to find out any other post lying vacant with a longer stay.

4. Now the matter has been posted on an application, CMP No. 13900 of 2020, filed by the petitioner for early hearing, in which he contends that a

post of Trained Graduate Teacher (Non-Medical) is going to fall vacant at Government Middle School, Takhnar u/c Government Senior Secondary

School, Bhali, District Kangra, H.P. Learned counsel for the petitioner has also handed over the office order, which mentions that the incumbent at Sl.

No.234 Shri Kewal Singh, who was posted as TGT (Non-Medical, in Government Middle School Takhnar u/c Government Senior Secondary School,

Bhali, District Kangra, H.P., has been promoted as Head Master, vide office order dated 17th December, 2020.

5. Considering the undisputed fact that the petitioner has been serving in the Hard area w.e.f. 27.1.2014 for a period more than six years against the

normal stay of two winters and three summers, we direct the respondents to consider transferring the petitioner as TGT (Non-Medical) to

Government Middle School Takhnar u/c Government Senior Secondary School, Bhali, District Kangra, H.P., with effect from the date, the present

incumbent Mr. Kewal Singh, who has been promoted vide order dated 17th December, 2020 and his name find mention at Sl. No.234 of the said order

is relieved. Such order be passed without any further delay.

6. Given above, the writ petition is allowed in the aforesaid terms. Pending application(s), if any, are closed.

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