

(2022) 07 SHI CK 0007
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.2821 Of 2022

Kesar Singh

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 07-07-2022

Acts Referred:

Citation : (2022) 07 SHI CK 0007

Hon'ble Judges : Tarlok Singh Chauhan, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Rajat Kumar, Ramesh Sharma, Ashok Sharma, Vinod Thakur,
Bhupinder Thakur, Yudhvir Singh Thakur, Rajat Chauhan, Sumit Sharma

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. Aggrieved by the order of transfer, the petitioner has filed the instant petition for the grant of following reliefs:-

"1. The impugned transfer order dated 28.4.2022, Annexure P-2 passed by the respondent No.2 may kindly be declared arbitrary and discriminatory and may kindly be quashed and set aside qua the petitioner and respondent No.4.

2. That the respondents may kindly be directed to allow the petitioner to continue at GPS Gudda Education Block Mehla-II (Gurdaspur), Distt. Chamba H.P. till the date of adjustment of petitioner and his wife at same station as per transfer policy annexure P-3.

3. That the record of the case may kindly be called for and after perusing the same respondents may kindly be directed to transfer the petitioner and his wife at same station.

4. That the respondents may kindly be directed to withdraw the transfer order Annexure P-2 thereby ask the respondent No.4 to complete his normal tenure at GPS Simni Block Sundla as per Transfer Policy."

2. The record produced by the respondents/State goes to reveal that the transfer of the petitioner has been effected solely on the basis of recommendation made by the local MLA and without there being application of mind on part of the administrative authority.

3. Accordingly, the impugned transfer order dated 28.04.2022 (Annexure P-2) is quashed and set aside. Since the petitioner has completed his normal tenure of service at the given station, therefore, this order shall not come in the way of the official respondents to transfer him in future.

With the aforesaid observations, the instant petition is disposed of so also the pending miscellaneous application(s), if any.