

(2025) 04 UK CK 0879

In the Uttarakhand High Court

Case No : Writ Petition No. 645 of 2025 (S/S)

Kuldeep Nautiyal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 28-04-2025

Acts Referred:

Citation : (2025) 04 UK CK 0879

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Sanjay Bhatt, Narein Dutt, Vipul Sharma

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. The challenge in this petition is made to the transfer order dated 16.04.2025, by which the petitioner has been transferred from Roorkee to Bhagwanpur, District Haridwar.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is Mandi Supervisor, which is feeder cadre to the position of Secretary in the Mandi Samiti. He has been given charge of Mandi Secretary at Roorkee. His three years' tenure has yet not been completed, but he has been transferred at Bhagwanpur, which is Categorized as 'D' Category. It is submitted that at the place of the petitioner, one Pankaj Raj Shah has been transferred from Laksar, who is not even eligible to be appointed as Secretary, because he is merely a Mandi Inspector. It is argued that the transfer could have been affected by the Director or Additional Director, whereas, the impugned transfer order has been passed by the General Manager, Administration.

4. Learned counsel for the respondent nos. 2 and 3 would submit that the transfer is in accordance with public policy; both the petitioner and the

respondent no.4 are trained for Mandi Secretary; the petitioner was given extra charge of Secretary at Roorkee since 06.12.2022, and with effect from 07.07.2017, he has been given charge of Mandi Bhagwanpur as well. He would also submit that the transfer order has been approved by the Director, which has been issued by the General Manager, Administrator.

5. Transfer orders are generally not interfered with unless there is some mala fide imputed and substantiated in material particulars.

6. During the course of argument, on behalf of the respondent nos. 2 and 3, it is also submitted that the petitioner has almost completed three years in Roorkee. He is short of two months only.

7. Both the petitioner and the respondent no.4 have been given charge of Secretary, Mandi Samiti, at their respective places. Both are not Secretary as such. The transfer has been made in public interest. Therefore, this Court does not see any reason to interference. Accordingly, the writ petition deserves to be dismissed at the stage of admission itself.

8. The writ petition is dismissed in limine.