
(2020) 12 SHI CK 0182

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 4888, 5213 Of 2020

Kuldeep Sharma And Others

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 24-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0182

Hon'ble Judges : Sureshwar Thakur, J;Chander Bhusan Barowalia, J

Bench : Division Bench

Advocate : Adarsh K. Vashisht, G.R. Palsra, Ashwani Sharma, G.R. Palsra, Adarsh K. Vashisht

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. Through, CWP No. 4888 of 2020, the writ petitioner, one Kuldeep Sharma, challenges the impugned transfer order, dated 26.10.2020, borne in

Annexure P-1, whereas, through CWP No. 5213 of 2020, one Abhishek Chauhan, seeks, a, mandamus, upon, the respondents, for the latter, taking his

joining at the station, referred to in the afore impugned Annexure. Since, both the writ petitions, arise from a common notification, hence, both are

amenable, for a common verdict, becoming made thereon(s).

2. The trite fulcrum, of, the contention, raised by the learned counsel, appearing on behalf of the petitioner, one Kuldeep Sharma, in his, casting a

challenge, to, the validity, of, impugned transfer order, is, rested, upon the factum, qua his earlier to the impugned transfer order, serving for about

twelve years, in hard and sub cadre area, thereupon, his being unamenable for becoming posted in similar thereto station(s). However, the afore

contention is stripped, of, its efficacy and of its vigor, in the light of the reply affidavit, meted thereto, hence by the respondents concerned.

Furthermore, since one Kuldeep Sharma, has already completed the prescribed tenure of more than three years, at the station concerned, and, when

the afore factum is combined with the factum, that the petitioner has never served in a hard and sub cadre area, during, the span of his twelve years in

service, under the respondents concerned, hence, he does not hold, any lawful ground, for resisting the impugned transfer order.

3. The sequel of the afore discussion is that, there is no merit in Kuldeep Sharma's case, i.e. CWP No. 4888 of 2020 and the same is accordingly

dismissed. Moreover, the further sequel thereof is that, the respondents concerned, are directed to, ensure the taking, of, joining of one Abhishek

Chauhan, petitioner in CWP No. 5213 of 2020, after ensuring his relieving, from the earlier thereto station(s).

4. In view of the above, both the writ petitions are disposed of, so also pending applications, if any.