

(2024) 02 SHI CK 0005

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1035 Of 2024

Laiq Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 13-02-2024

Acts Referred:

Citation : (2024) 02 SHI CK 0005

Hon'ble Judges : Ranjan Sharma, J

Bench : Single Bench

Advocate : Shriyek Sharda, Vishal Panwar, Ankush Dass Sood, Arjun Lall

Final Decision : Disposed Of

Judgement

Ranjan Sharma, J

1. Notice. Mr. Vishal Panwar, learned Additional Advocate General, appears and waives service of notice on behalf of respondents No.1 and 2.
2. With the consent of the appearing parties and in view of the nature of order intended to be passed herein, the present writ petition is taken up for disposal, at this stage.
3. Admittedly, the petitioner had been serving in Parwanoo Barrier in District Solan and thereafter in Kandaghat Circle, which is also in District Solan. It is not in dispute that the petitioner has completed about four years in District Solan.
4. The petitioner has assailed the office order dated 31.01.2024 [Annexure P-1], transferring the petitioner as ASTEO from Kandaghat Circle [District Solan] to ASTEO [Excise], office of Dy. CSTE Sirmaur at Nahan.
5. A perusal of the office order dated 31.01.2024 reveals that the transfer has been ordered on the instructions of the Election Commission of India dated 21.12.2023, whereby, the Officers who are connected with the elections and have completed four years in a District or likely to complete three years as on

30th June, 2024, shall be transferred outside the said District.

6. In order to ascertain the above facts, this Court impleads Election Commission of India as a party respondent No.3 in the present proceedings. Registry to make necessary addition/correction in the memo of parties accordingly.

7. Mr. Ankush Dass Sood, learned Senior Counsel, alongwith Instructing Counsel, Mr. Arjun Lall, appears and waives service on notice on behalf of Election Commission of India. At the very outset, Mr. Ankush Dass Sood, learned Senior Counsel, appearing for Election Commission of India, submits that the instructions have been issued on 21.12.2023, mandating the State Governments, including State of Himachal Pradesh to transfer the Officers who are connected with elections, who have completed four years in a District or are likely to complete three years as on 30th June, 2024, immediately. He further submits that the transfer orders dated 31.01.2024 have been issued consequent thereafter.

8. In view of the above facts and circumstances, this Court is not inclined to interfere in the transfer orders dated 31.01.2024 [Annexure P-1], transferring the petitioner as ASTEO from Kandaghat Circle [District Solan] to ASTEO [Excise], office of Dy. CSTE Sirmaur at Nahan, as the same have been issued as sequel to the instructions issued by the Election Commission of India dated 21.12.2023, as referred to above.

9. At this stage, Mr. Shriyek Sharda, learned counsel for the petitioner, submits that the petitioner has certain hardships, including impending retirement, on 31st March, 2025, i.e., within a period of one year and, therefore, the petitioner is entitled to be considered for posting at the convenient station, in view of Clause 5.5 of the Transfer Policy. Mr. Shriyek Sharda, learned counsel, further submits that the petitioner may be permitted to point out this aspect alongwith other hardships to the competent authority within three days from today. The prayer was made, being innocuous, is not opposed by the learned State Counsel also.

10. Keeping in view the above facts and circumstances, this Court disposes of the present writ petition, affirming the transfer orders dated 31.01.2024 [Annexure P-1], qua the petitioner. However, this Court permits the petitioner to make a representation, ventilating his grievances to respondent No.2-Commissioner of State Taxes & Excise, Himachal Pradesh, Shimla, within three days from today; with further directions to the aforesaid authority to consider/examine the grievances and to pass appropriate orders in the matter, sympathetically, within ten days thereafter.

11. Till the decision on the representation, as aforesaid, since the petitioner stands relieved from the present place of posting [Kandaghat Circle], therefore, this Court directs the respondents not to compel the petitioner to join the transferred station.

In the aforesaid terms, the writ petition as well as the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.