

(2024) 09 UK CK 0009

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 544, 557, 558, 559 Of 2024

Mahabir Singh

APPELLANT

Vs

State Of Uttarakhand And Another

RESPONDENT

Date of Decision : 04-09-2024

Acts Referred:

Uttarakhand Annual Transfer For Public Servants Act, 2017 — Section 18(4)

Citation : (2024) 09 UK CK 0009

Hon'ble Judges : Manoj Kumar Tiwari, J; Pankaj Purohit, J

Bench : Division Bench

Advocate : R.P. Nautiyal, Garima Thapa, Pavan Kumar Nath, Rajeev Singh Bisht, P.C. Bisht

Judgement

Manoj Kumar Tiwari, J

1. Petitioners are holding Group-B post of Transport Tax Officer in Transport Department of the State Government. They are aggrieved by their transfer from one place to another, on administrative ground, vide order dated 20.08.2024. Thus, feeling aggrieved, petitioners have approached this Court by filing separate writ petitions.

2. Since common questions of law and facts are involved in these writ petitions, therefore these are being heard and decided by this common judgment, however for the sake of brevity, facts of WPSS No.544 of 2024 alone are being considered and discussed.

3. Petitioner-Mahabir Singh is petitioner in WPSS No.544 of 2024. He was posted as Transport Tax Officer at Kulhal Mobile Squad in District Dehradun up-till now, however by the impugned order dated 20.08.2024., he has been transferred to Majhola in District Udham Singh Nagar.

4. Petitioner has challenged his transfer on the ground of violation of provision contained in Section 18 (4) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 (hereinafter referred to as "Transfer Act, 2017"), inasmuch

as, he has been transferred on administrative ground, however the adverse material has not been confronted to him.

5. Learned State counsel however disputes the submission made by learned counsel for the petitioner and submits that there were complaints received against the work and conduct of petitioner, therefore he was rightly transferred on administrative ground. However he could not give any satisfactory reply as to whether, the adverse material, if any, available against the petitioner, was confronted to him or not.

6. Since the transfer order was passed by the Commissioner, Transport Department and petitioners have made a valid point of violation of Section 18(4) of the Transfer Act, 2017, therefore we dispose of these writ petitions by permitting petitioners to make separate representation(s) to the Secretary, Transport Department, who is an officer one rank above the Commissioner, Transport Department. It shall be open to the petitioners to submit their representation through e-mail. If petitioners make such a representation on or before 06.09.2024, the Secretary, Transport Department shall look into the matter and take decision as per law within three weeks thereafter.

7. For a period of three weeks or till decision is taken on petitioners' representation(s), whichever is earlier, status quo, qua, posting of petitioners shall be maintained. If petitioners fail to make representation within the stipulated time, they shall not be entitled to get protection of this order.