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**(2013) 08 UK CK 0005**

**In the Uttarakhand High Court**

**Case No : Writ Petition (S/S) No. 1155 of 2013**

Mam Chand

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

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**Date of Decision : 29-08-2013**

**Acts Referred:**

**Citation : (2013) 08 UK CK 0005**

**Hon'ble Judges : Sudhanshu Dhulia, J**

**Bench : Single Bench**

**Advocate : I.D. Paliwal, for the Appellant; B.P.S. Mer, Brief Holder, for the Respondent**

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## **Judgement**

Sudhanshu Dhulia, J.—The petitioner is working as Gram Panchayat Vikas Adhikari in the Block Vikas Nagar, District Dehradun. By order dated 10.07.2013 he has been transferred from Vikas Nagar Block to Sahaspur Block by the Chief Development Officer, Dehradun on administrative ground, which is annexed as annexure No. 3 to the writ petition. Thereafter, vide order dated 29.07.2013 the above order was cancelled by the Chief Development Officer, Dehradun, which is annexed as annexure No. 4 to the writ petition. However, the same Officer i.e. Chief Development Officer, Dehradun has passed another order on 23.08.2013 whereby the petitioner has been transferred from Vikas Nagar Block to Kalsi Block on administrative ground. From the perusal of the record it transpires that three transfer orders have been passed. Moreover, in the above orders, particularly, in the impugned order dated 23.08.2013, no reason has been assigned for transferring the petitioner from Vikas Nagar Block to Kalsi Block. Learned counsel for the petitioner says that as per the Full Bench decision of this Court in Smt. Damyanti Bisht Vs. State of Uttarakhand and Others, the transfer can be made on administrative ground and while doing so reason should be recorded, but in the present case no reason has been assigned by the Officer concerned.

2. Another plea has been taken by the petitioner is that the date of birth of the

petitioner is 04.03.1954 and, therefore, he will reach the age of superannuation on 03.03.2014. He further contends that per the Government Order dated 20.05.2008 a Government employee, who has got less than two years of retirement, should not be normally transferred.

3. In view of the above Government Order dated 23.08.2013, appears to be arbitrary. The operation and effect of the impugned order dated 23.08.2013 shall remain stayed. (Stay application No. 9220 of 2013 is disposed of)

Meanwhile, the respondents shall file counter affidavit within a period of three weeks. Rejoinder affidavit may be filed within three weeks thereafter. List this matter after seven weeks in the daily cause list.