

(2024) 02 SHI CK 0009

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1115 Of 2024

Munish Parwari

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 20-02-2024

Acts Referred:

Citation : (2024) 02 SHI CK 0009

Hon'ble Judges : Ranjan Sharma, J

Bench : Single Bench

Advocate : Surinder Prakash Sharma, Ramakant Sharma

Final Decision : Disposed Of

Judgement

Ranjan Sharma, J

1. Notice. Mr. Ramakant Sharma, 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. The petitioner has filed the instant writ petition with the following prayers:-

“(i) That the transfer order dated 14.02.2024 contained in Annexure P- 3 qua the petitioner may kindly be quashed and set aside by issuing a writ of certiorari.

(ii) That the respondents may kindly be directed to allow the petitioner to complete his normal tenure at present place of posting.”

4. The petitioner is an Officer belonging to Himachal Pradesh Forest Service. He was earlier serving as DPO, IDP Una, since September, 2023.

5. Now, the petitioner has assailed the Notification of transfer dated 14.02.2024 [Annexure P-3], transferring the petitioner as DPO, IDP, Una to DM

(Headquarters), office of Director [North], Dharamshala, against vacancy.

6. The petitioner has assailed the Notification dated 14.02.2024 [Annexure P-3], on the grounds; (i) the transfer of the petitioner has been ordered after six months of stay as DPO, IDP, Una; (ii) the petitioner has been transferred thrice within the period of one year by posting him at Nalagarh, then Theog and now to Dharamshala, which is not in consonance with the principles of fairness and non-arbitrariness; (iii) the transfer is alleged to have been made on the basis of a DO Note, as mentioned in Para-5 of the writ petition [though details of the DO Note are not mentioned], which amounts the transfer on the basis of extraneous considerations.

7. Mr. Surinder Prakash Sharma, learned counsel for the petitioner, submits that the petitioner shall be satisfied, in case, respondent No.1-Principal Secretary [Forests] to the Government of Himachal Pradesh, is directed to consider the grievances as referred to in the representation dated 15.02.2024 [Annexure P-4].

8. That being so, this Court directs respondent No.1-Principal Secretary [Forests] to the Government of Himachal Pradesh, to consider the representation dated 15.02.2024 [Annexure P-4] and to pass appropriate orders in the matter, within ten days from today.

9. Since the petitioner stands relieved from the present place of posting at Una and a substitute has joined, therefore, this Court is not inclined to stay the operation of the Notification dated 14.02.2024 [Annexure P-3], qua the petitioner and the private respondent.

10. However, it is clarified that till the decision of the representation, the petitioner shall not be compelled to join the transferred station [as DM (Headquarters)], office of Director (North), Dharamshala, .

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