
(2021) 12 SHI CK 0009

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No.7552 Of 2021

Naveen Kumar Nadda

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 01-12-2021

Acts Referred:

Citation : (2021) 12 SHI CK 0009

Hon'ble Judges : Tarlok Singh Chauhan, J;Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Mukul Sood, Ashok Sharma, Nand Lal Thakur, Narender Guleria

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The instant petition has been filed by the petitioner for the grant of following substantive reliefs:

"a. Issue a writ in nature of mandamus directing the respondent to transfer the petitioner from present place of posting to stations of his choice/or a nearer station of the posting of his wife as per transfer policy;

b. Issue a writ in nature of mandamus directing the respondent to decide the pending representation Annexure P-5 in a time bound manner."

2. Perusal of the petition would go to show that save and except for individual hardship, no other grounds have been taken by the petitioner for claiming the aforesaid reliefs. Moreover, it is settled that as regards individual hardship, same has to be considered by the employer. Reference in this regard can conveniently be made to a judgment of the Hon'ble Supreme Court in Rajendra Roy vs. Union of India & another, (1993) 1 SCC 148, wherein it was observed as under:

"7. ... The appellant has not made any representation about personal hardship to the department. As such, there was no occasion for the department to consider

such representation. This appeal, therefore, fails and is dismissed, but we make no order as to costs. It is, however, made clear that the appellant will be free to make representation to the concerned department about personal hardship, if any, being suffered by the appellant in view of the impugned order. It is reasonable expected that if such representation is made, the same should be considered by the department as expeditiously as practicable."

3. In the given facts and circumstances and without going into the merits of the case, we deem it proper to dispose of the petition by directing the respondents to consider the pending representation (Annexure P-5) sympathetically within a period of three weeks from today.

4. The petition stands disposed of in the aforesaid terms, so also the pending application(s), if any.

For compliance, to come up on 29th December, 2021.