

(2021) 08 SHI CK 0082
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 2914 Of 2021

Partap Chand

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

Date of Decision : 06-08-2021

Acts Referred:

Citation : (2021) 08 SHI CK 0082

Hon'ble Judges : Ravi Malimath, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Hamender Singh Chandel, Ashok Sharma, Ranjan Sharma, Vikas Rathore, Seema Sharma, Anup Rattan

Final Decision : Dismissed

Judgement

Ravi Malimath, J

1. The case of the petitioner is that in terms of the transfer order dated 06.05.2021 (Annexure P-1), he was transferred from GSSS Barwala to GSSS

Ichhi. On the same day, later on, another transfer order was issued transferring him from GSSS Barwala to GSSS Gumma. Questioning the same, the

instant petition is filed.

2. The contention of the petitioner is that the second transfer order is erroneous since the same could not have been issued. That there is manipulation

of the record by the respondents. Secondly, the petitioner has undergone a serious surgery in the year 2016 and he needs constant care. Thirdly, that

his mother is aged about 80 years, who is suffering from old age ailments. Therefore, the transfer order (Annexure P-2) is inappropriate.

3. The aforesaid contention is disputed by Mr. Vikas Rathore, learned Additional Advocate General appearing on behalf of respondents No. 1 & 2.

He contends that just because of the second transfer order is issued, that by itself, does not violate any right of the petitioner. That the questions of surgery and the old age problems of the mother of the petitioner are constant problems, that are faced by everyone. Hence, no interference is called for.

4. Heard learned counsels.

5. In terms of Annexure P-1, the petitioner has been transferred from Barwala to Ichhi. The said transfer has been effected on mutual consent. On

the same day, yet another notification has been issued transferring him from Barwala to Gumma. So far as the contention regarding the serious

surgery of the petitioner is concerned, we do not think that the same should be taken seriously. He was operated for piles, that too, in the year 2016.

The operation took place even before he was transferred to Barwala. Therefore, the said ground cannot be considered as a genuine ground.

6. So far as the ailment of the mother of the petitioner is concerned, her age is about 80 years. That by itself cannot constitute a ground for the retention of the petitioner at the place of his transfer.

7. So far as the other contention of the petitioner is concerned that the second transfer order is erroneous, we do not think so. The second transfer

order has been issued on the same day. Therefore, no legal right has really accrued to the petitioner to plead that injustice has occurred to him. Hence,

the said ground is not available to the petitioner. Even otherwise, he belongs to the State Cadre and is liable to be transferred anywhere in the State.

Even, according to the petitioner, he has health problem and his mother is aged. He has been transferred to Shimla. It is needless to state that the

medical facilities and care of old aged parents will be done much better in Shimla than in any other place. Therefore, the posting at Shimla is a blessing

to him and it cannot be said that he is aggrieved by it.

8. Hence, for the aforesaid reasons, we do not find any ground for interference. Hence, the petition is dismissed. The pending miscellaneous applications are also disposed off.