

(2023) 06 SHI CK 0031
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.2920 Of 2023

Pawan Kumar Negi

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 14-06-2023

Acts Referred:

Citation : (2023) 06 SHI CK 0031

Hon'ble Judges : Tarlok Singh Chauhan, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Dr. Lalit Kumar Sharma, Anup Rattan, Ramakant Sharma Sharmila Patial, Rajat Chauhan

Final Decision : Allowed

Judgement

Tarlok Singh Chauhan, J

1. Aggrieved by the order of transfer, the petitioner has filed the instant petition for the grant of following substantive reliefs:-

i) The impugned transfer order dated 29.04.2023 Annexure P-5 issued by respondent No. 2 may kindly be set aside and quashed and the respondent may be directed to permit the petitioner to discharge his duty as ADPEO in the office of respondent No. 3 till the completion of normal tenure.

ii) In alternate the respondent may be directed to extent the benefit of choice station flowing from clause 16.1 of Annexure P-3 to the petitioner.

2. Records of transfer produced by the respondents pursuant to the directions of this Court go to reveal that even though the transfer of the petitioner has been effected on the recommendations of the Minister, however, there has been no independent application of mind by the administrative authority on the recommendations made by the concerned Minister, who has to transfer the petitioner out of District Kinnaur either to Una, Kangra or Chamba against vacant post. There is nothing on record to indicate that such exercise was undertaken by

the administrative authority before transferring the petitioner to G.S.S.S. Mahadev, Kangra. In such circumstances, the impugned order of transfer cannot sustain.

3. Consequently, the writ petition is allowed and the impugned order of transfer is quashed and set aside. However, this order shall not come in the way of the respondents, in case they decide to transfer the petitioner in future in accordance with law.

4. Pending miscellaneous application(s) if any, shall also stand disposed of.