
(2012) 08 SHI CK 0089
In the High Court Of Himachal Pradesh
Case No : Cwp No. 5039 of 2012-D

Raj Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 06-08-2012

Acts Referred:

Citation : (2012) 08 SHI CK 0089

Hon'ble Judges : Rajiv Sharma, J;Deepak Gupta, J

Bench : Division Bench

Advocate : H.S. Rangra, for the Appellant; Vivek Singh Thakur, Addl. A.G. for respondents No. 1 to 3, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sharma, Judge

1. Petitioner was appointed as Veterinary Pharmacist on 21.11.2006 on contract basis at Veterinary Dispensary, Gumma, District Mandi, H.P. He has been transferred vide office order 22.6.2012 from Veterinary Dispensary, Gumma, District Mandi to Veterinary Dispensary, Chauri (Mandi) vice respondent No.4. Petitioner has already completed five years at Veterinary Dispensary, Gumma (Mandi). According to office memorandum dated 13.8.2009, the contract appointees, who have completed five years tenure at one place of posting are eligible for transfer on need based bases wherever required on administrative grounds. Mr. Vivek Singh Thakur, learned Additional Advocate General has also argued that on the basis of memorandum dated 13.8.2009, now new clause has been incorporated in the agreement itself that the contract appointee, who has completed five years tenure at one place of posting, will be eligible for transfer on need based basis wherever required on administrative grounds.

2. The transfer is an incident of service. It is for the employer where an employee has to be posted in public interest. The scope of judicial review in these matters is very limited. The Court can intervene only when the transfer has

been made in infraction of any statutory rule or the same is actuated with mala fides. Accordingly, in view of the observations and discussions made hereinabove, there is no merit in the petition and the same is dismissed. Pending application(s), if any, also stands disposed of. No costs.