

(2021) 10 SHI CK 0093
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.6772 Of 2021

Ram Swaroop

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 29-10-2021

Acts Referred:

Citation : (2021) 10 SHI CK 0093

Hon'ble Judges : Mohammad Rafiq, CJ;Sabina, J

Bench : Division Bench

Advocate : Surender K. Sharma, Ashok Sharma, Ritta Goswami, Seema Sharma

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

1. This writ petition has been filed by petitioner Shri Ram Swaroop, challenging the transfer order dated 17.09.2021 (Annexure P-1) .
2. The petitioner was initially engaged as Beldar, on contract basis, in Jal Shakti Vibhag Sub Division Rajgarh, District Sirmour, H.P., in the year 1996. His services were regularized there in the year 2004. Now, he has been transferred within the District by the aforesaid order dated 17.09.2021, vide Annexure P-1, from Jal Shakti Vibhag Sub Division, Rajgarh to Jal Shakti Vibhag Sub-Division, Sangrah, District Sirmour, H.P.
3. The petitioner has approached this Court contending that the aforesaid transfer would cause hardship to him because his wife generally remains sick and that he is due to retire on 30.11.2023 and that the respondents-State also have the Policy not to transfer those who are due to retire within a period of two years.
4. Ms. Seema Sharma, learned Deputy Advocate General, submitted that the impugned order of transfer of the petitioner has not been passed within two years of his retirement, as he is due to retire after two years and two months from the date of issuance of transfer order dated 17.09.2021.

5. In any case, any hardship caused for employee by transfer, is an issue which ought to be considered by the employer and not by this Court. This Court can cause interference with the order of transfer only if it is proved on record a case of malafide or breach of any statutory rules. Transfer Policy, which is meant for internal guidance of the respondents-State, cannot be relied upon for issuance of a writ of mandamus. However, having regard to the submissions made, we leave the petitioner at liberty to approach the Superintendent Engineer, Jal Shakti Vibhag Circle, Nahan, District Sirmour, H.P., respondent No.3, by making a representation, agitating his grievances with reference to his hardship, within a period of one week from today. It is for the said authority to consider and pass appropriate orders on the representation of the petitioner, within a period of 15 days thereafter.

6. With the aforesaid directions, the writ petition is disposed of.

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