
(2023) 04 SHI CK 0027
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No.1583 Of 2023

Rameshwar Sharma

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 04-04-2023

Acts Referred:

Citation : (2023) 04 SHI CK 0027

Hon'ble Judges : Tarlok Singh Chauhan, J;Virender Singh, J

Bench : Division Bench

Advocate : Vinay Sharma, Anup Rattan, I.N.Mehta, Yashwardhan Chauhan, Ramakant Sharma, Priyanka Chauhan, 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 grant of the following substantive reliefs:

"i) Issue a writ of certiorari to quash Annexure A-1 i.e. impugned office order dated 25-03-2023 qua the petitioner.

ii) Issue a writ of mandamus directing the respondent authorities to allow the petitioner to continue at GPS Baha Education Block Nalagarh in the interest of justice and fair play."

2. A perusal of the records that was produced by the official-respondents goes to indicate that the transfer of the petitioner has been ordered to be effected simply on the basis of the D.O. Note of the local M.L.A. without there being any independent application of mind by the Administrative Authority. Obviously, in such circumstances, the order of transfer cannot sustain.

3. Accordingly, the instant petition is allowed and the impugned transfer order dated 25.03.2023 (Annexure P-1), qua the petitioner, is quashed and set aside.

4. However, it is made clear that since the petitioner has completed his normal tenure of service at the given station, therefore, this order shall not come in the way of the official-respondents, in case they decide to transfer the petitioner in future.

5. Pending application, if any, also stands disposed of.