
(2010) 12 SHI CK 0055
In the High Court Of Himachal Pradesh
Case No : CWP No. 6949 of 2010

Smt. Kusum Kumari

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 22-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0055

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following substantive prayers vide para 9 (i) & (ii):

9 (i). That a writ in the nature of certiorari may kindly be issued for quashing the order dated 16.08.2010, Annexure P-1, and relieving order dt. 29.10.2010, Annexure P-4.

(ii). A writ in the nature of mandamus may kindly be issued directing the Respondents to allow the Petitioner to work at the present place.

2. The Respondents are yet to file replies.

3. Undisputedly, the Petitioner is due for retirement within less than two years, to be precise on and with effect from 30.6.2012, on attaining the age of superannuation. Furthermore, according to her, she is suffering from inter-vertebral disc prolapse as per Radiology Report, Annexure P-2.

4. The Respondent-State vide office memo dated 20.10.2010, Annexure P-3, has issued Guiding Principles for effecting transfers of State Government Employees, one of which is as under:

(e) Concession to Officials likely to retire:

In the cases of Class-III and Class-IV officials likely to retire within two years efforts should be made to give them posting in areas as convenient as

convenient as possible subject to vacancy.

5. In view of the above, the petition is disposed of with a direction to Respondent No. 2 that subject to the Petitioner making a representation along with copy of this judgment within a fortnight from today, the said Respondent shall consider the same and take a final decision in the matter within the next fortnight in accordance with law and justice and the transfer policy issued by the Respondent-State vide office memo dated 20.10.2010, Annexure P-3, as also keeping in view the state of health of the Petitioner as reflected in Radiology Report, Annexure P-2, a copy of which shall also be supplied by the Petitioner. Interim order dated 3.11.2010 shall continue till then. Needless to say that due and admissible salary shall also be paid to the Petitioner within a fortnight.

6. The petition stands disposed of, so also the pending application(s), if any.