
(2021) 09 UK CK 0022

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1059 Of 2021

Soban Singh And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-09-2021

Acts Referred:

Citation : (2021) 09 UK CK 0022

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Hem Chandra Joshi, Anjali Bhargawa

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. The instant writ petition has been filed seeking the following reliefs:-

"I. Issue a writ order or direction in the nature of certiorari quashing the impugned transfer order dated 11.08.2021 (Annexure-4) passed by respondent no.4 transferring the petitioner no.1 from Dharamganga Range Budhakedar to Dharkot Dam Range and petitioner no.2 from Dharamganga Range Budhakedar to Tehri Dam Range pursuant to Forest Order No.202/1-1 dated 11.08.2021 passed by Divisional Forest Officer Tehri Dam Forest Division-I New Tehri alongwith its effect and operation also.

II. Issue any other order or direction, which is deemed fit and proper under the facts and circumstances of the case in favour of the petitioners.

III. Award cost of the writ petition to the petitioners."

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioners that they are working on daily wage basis with the Forest Department. They have been transferred from the Range, where they were engaged.

4. Learned counsel for the petitioner would submit that the daily wager could not be transferred. Impugned order reveals that both the petitioners were transferred to different Ranges.

5. On 18.08.2021, when arguments were advanced, learned State counsel sought time for instructions.

6. Today, learned State counsel would submit that the petitioners have not been transferred. They are engaged as per exigencies of work. Learned State counsel would submit that there is no policy of transfer of the daily wagers.

7. If there is no policy for the transfer of the daily wagers, how could transfer be made? If the daily wagers have no work, action as admissible under law, may be taken. But, the transfer is not permissible, as stated on behalf of the State. Any transfer made would be bad in the eye of law and it warrants interference of this Court. Accordingly, this Court is of the view that the writ petition deserves to be allowed.

8. The writ petition is allowed. The impugned transferred order dated 11.08.2021 is quashed.