

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (S/B) NO. 482 OF 2022

04TH MAY, 2023

BETWEEN:

Sudhanshu Mishra Petitioner.

And

State of Uttarakhand & others Respondents.

With

WRIT PETITION (S/B) NO. 486 OF 2022

BETWEEN:

Pooja Pandey Petitioner.

And

State of Uttarakhand & another Respondents.

With

WRIT PETITION (S/B) NO. 487 OF 2022

BETWEEN:

J.P. Yadav Petitioner.

And

State of Uttarakhand & others Respondents.

With

WRIT PETITION (S/B) NO. 490 OF 2022

BETWEEN:

Kaushlendra Joshi Petitioner.

And

State of Uttarakhand & others Respondents.

With

WRIT PETITION (S/B) NO. 499 OF 2022

BETWEEN:

Lakshita Ajad Petitioner.

And

State of Uttarakhand & others

....Respondents.

With

WRIT PETITION (S/B) NO. 500 OF 2022

BETWEEN:

Jyoti Poona

.....Petitioner.

And

State of Uttarakhand & another

....Respondents.

With

WRIT PETITION (S/B) NO. 501 OF 2022

BETWEEN:

Kiran Rawat (Budhani)

.....Petitioner.

And

State of Uttarakhand & another

....Respondents.

With

WRIT PETITION (S/B) NO. 502 OF 2022

BETWEEN:

Himanshu Pandey

.....Petitioner.

And

State of Uttarakhand & another

....Respondents.

With

WRIT PETITION (S/B) NO. 537 OF 2022

BETWEEN:

Geetika Garhia

.....Petitioner.

And

State of Uttarakhand & another

....Respondents.

With

WRIT PETITION (S/B) NO. 503 OF 2022

BETWEEN:

Sushobhit Kumar Singh

.....Petitioner.

And

State of Uttarakhand & another

....Respondents.

With**WRIT PETITION (S/B) NO. 505 OF 2022****BETWEEN:**

Amit Kumar Verma Petitioner.

And

State of Uttarakhand & others Respondents.

With**WRIT PETITION (S/B) NO. 506 OF 2022****BETWEEN:**

Komal Singh Petitioner.

And

State of Uttarakhand & others Respondents.

With**WRIT PETITION (S/B) NO. 507 OF 2022****BETWEEN:**

Amit Kumar Petitioner.

And

State of Uttarakhand & others Respondents.

With**WRIT PETITION (S/B) NO. 511 OF 2022****BETWEEN:**

Rohit Singh Petitioner.

And

State of Uttarakhand & others Respondents.

With**WRIT PETITION (S/B) NO. 514 OF 2022****BETWEEN:**

Rajesh Kumar Ranjan Petitioner.

And

State of Uttarakhand & another Respondents.

With**WRIT PETITION (S/B) NO. 515 OF 2022**

BETWEEN:

Premlata Basera Petitioner.

And

State of Uttarakhand & another Respondents.

With**WRIT PETITION (S/B) NO. 536 OF 2022****BETWEEN:**

Manjeet Singh Petitioner.

And

State of Uttarakhand & another Respondents.

Counsel for the Petitioners	:	Mr. Shobhit Saharia, Mr. Vipul Sharma, Mr. Bhagwat Mehra, Mr. Alok Dalakoti, Mr. B.D. Pande, Mr. Alok Mahra, learned counsel.
Counsel for the State	:	Mr. S.S. Chauhan, learned Deputy Advocate General, Ms. Mamta Bisht, learned Deputy Advocate General, Mr. B.S. Parihar, learned Standing Counsel, Mr. Vikas Pande, learned Standing Counsel, Mr. S.S. Chaudhary, learned Brief Holder.
Counsel for the Private Respondent	:	Mr. Vinay Bhatt and Mr. Neeraj Garg, learned counsel.

The Court made the following:**COMMON JUDGMENT:**(per Hon'ble The Chief Justice Sri Vipin Sanghi)

We have heard learned counsels.

2. The respondents- authorities have filed their counter-affidavits.

3. Subject to what we have noticed in respect of specific cases here-in-below, in all these cases, the petitioner, who are serving in the Veterinary Department of the State had assailed the cancellation dated 12.08.2022 of their transfer orders dated 07.01.2022, whereby they were all

transferred from Durgam Areas to Sugam Areas, without any prior notice to them on 12.08.2022. Their grievance was that, firstly, they were not heard, and secondly, others, with much lesser services in remote areas, had been brought in place of the petitioners to serve in Sugam areas, while they were posted in Durgam Areas. This Court had granted stay in respect of the impugned orders dated 07.01.2022, issued in respect of the petitioners, and that position continues till date. The stand of the respondents now is, that since a new year has commenced, they would undertake the exercise of transfers and postings in the cadre afresh, strictly in accordance with the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017.

4. Mr. Saharia submits that the petitioners can have no quarrel with the said stand of the respondents. However, he submits that the respondents may post the petitioners again in Durgam area while retaining other with lesser service in Durgam areas, in Sugam areas.

5. If any such actions are taken by the respondent-authorities, it shall be open to the petitioners to approach this Court again. At this stage, on the basis of their apprehension, we cannot pass any directions in that regard.

6. We, accordingly, dispose of these writ petitions.

7. The interim orders passed by us shall continue to operate till the passing of the fresh orders by the respondents, which shall strictly be in accordance with the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017.

WPSB No. 486 of 2022

8. We may observe that, in this writ petition, the petitioner was sought to be transferred from one Sugam area at Udham Singh Nagar, to another Sugam area at Doiwala, Dehradun, which had been stayed by us. Our order, in any event, shall continue to apply in this case as well, as in other cases.

WPSB No. 487 of 2022

9. We have vacated the order, and given effect to the impugned order, and the petitioner shall continue to be posted at the new place of posting, till the passing of the fresh order by the respondents.

WPSB No. 501 of 2022

10. Similarly, we may observe that in this writ petition, the petitioner was sought to be transferred from one Durgam area to another Durgam area. Our order, in any event, shall continue to apply in this case as well as in other cases.

WPSB No. 507 of 2022

11. Similar was the case in this writ petition, where the transfer had been made from one Sugam area to another Sugam area, which had also been stayed by us. Our order, in any event, shall continue to apply in this case as well as in other cases.

12. The writ petitions stand disposed of in the aforesaid terms.

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

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 04th May, 2023

NISHANT