

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19785 of 2025
Date of Decision: 29.12.2025

Dr. Dharam Pal

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Ashwani K. Sharma & Ms. Shivani,
Advocates.

For the respondents: Mr. Rajan Kahol, Additional Advocate
General with Mr. Ravi Chauhan & Mr. Anish
Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, who at present is working as Block Medical Officer at Sandhol, District Mandi, Himachal Pradesh, is aggrieved by order dated 11.12.2025 (Annexure P-2), whereby he has been transferred from afore station to BMO Kataula, District Mandi, Himachal Pradesh, within short span of one year and two months.

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ashwani K. Sharma, learned counsel representing the petitioner, is that petitioner has been transferred on the basis of DO Note and that too within a short span of one year and two months. Vide order dated 15.12.2025, this Court, while staying the operation of order dated 11.12.2025,

specifically called upon learned Additional Advocate General to have instructions and produce the relevant record.

3. Though in terms of afore order, learned Additional Advocate General has produced record, but no reply to the petition has been filed. While referring to the record, Mr. Rajan Kahol, learned Additional Advocate General, attempted to argue that impugned transfer has not been effected on the basis of DO Note, rather having taken note of the fact that petitioner has remained posted in and around present place of posting for more than 30 years. Besides above, Mr. Kahol, further argued that petitioner, being Class-I Officer, cannot take shelter of Transfer Policy formulated by the Government of Himachal Pradesh.

4. Having heard learned counsel for the parties and perused material available on record, this Court finds that though prior to petitioner's posting at Sandhol, District Mandi, Himachal Pradesh, he remained posted within a radius of 25 Kms for more than 30 years, but admittedly he was transferred from CHC Cholthra, Himachal Pradesh to the office of BMO Sandhole, District Mandi, Himachal Pradesh, which is at a distance of 53 Kms. After his transfer to Sandhole, where the petitioner has been working for more than one year and two months, respondents-State cannot be permitted to claim that petitioner has remained posted within a radius of 30 Kms from

the present place of posting for the last 30 years, rather for one year and two months, he has remained posted at Sandhole, which is at a distance of 53 Kms from his previous place of posting. This Court is unable to find out any DO Note alleged to be issued by some extra constitutional authority.

5. Having carefully perused record made available to this Court, this Court is unable to accept the contention of learned counsel for the petitioner that petitioner has been transferred on the basis of DO Note, but having taken note of judgment passed by Hon'ble Division Bench of this Court in CWP No.1863 of 2018, titled as ***Rattan Chand Vs. State of H.P. & others***, this Court is not persuaded to agree with the contention that petitioner, being a Class-I Officer, is not entitled take shelter of Transfer Policy formulated by Government of Himachal Pradesh, rather in afore terms, an official, be it Class-I or Class-II, is entitled to complete normal tenure of posting. Relevant para of the afore judgment is extracted hereinbelow:-

"The petitioner is working as a Principal in Government Senior Secondary School. He was transferred to Government Senior Secondary School, Alampur, District Kangra, H.P in September 2017. After a few months i.e. on 24th May, 2018, he was transferred to Government Senior Secondary School(Girl) at Anni, District Kullu. He challenged that transfer order before the H.P. State Administrative Tribunal. His Original Application was disposed of with liberty to the petitioner to make a representation which was directed to be considered and disposed of. Pursuant to order dated 29th May, 2018 of the Tribunal, the Secretary (Education) to the Government of Himachal

Pradesh passed the order dated 19th July, 2018, according to which the petitioner being a Class-I Gazetted Officer “can be transferred to any where in the State in exigency of the service on administrative grounds.....”. In our considered view, order dated 19th July, 2018 of the Secretary (Education) to the Government of Himachal Pradesh does not meet with the requirement of principles of fair and just play. Possessing power to transfer Class-I Gazetted Officer is one thing and the manner in which such power is exercised is altogether different. Every official, whether class-IV or Class-I, is expected to remain posted for an ordinary tenure of three years or so save where there exist administrative grounds, exigency or public interest demanding his premature transfer. No such reasons find mention in the order of the Secretary (Education) to the Government of Himachal Pradesh. The same is accordingly set aside and the writ petition is disposed of with a direction to the Secretary (Education) to the Government of Himachal Pradesh to re-consider the petitioner’s request sympathetically for his posting preferably against a vacant post in District Kangra or at a place which is near to his home town. In case, the petitioner is required to be posted at a place which is already occupied by an incumbent, such incumbent should also not be transferred prematurely. In other words, uniform policy pattern be adopted as far as possible in the matter of administrative transfers. An appropriate decision be taken within two weeks.”

6. Since it is apparent from the pleadings adduced on record by the parties to the lis that petitioner has not completed his normal tenure at present place of posting, impugned transfer order needs to be interfered.

7. Consequently, in view of the above, present petition is allowed. Impugned transfer order dated 11.12.2025 (Annexure P-2) is quashed and set aside and the respondents are directed to ensure that the petitioner is allowed to complete his normal tenure at his present

place of posting and thereafter, if required, he may be transferred to any station as per the exigencies of service. Pending applications, if any, stand disposed of.

December 29, 2025

(sunil)

**(Sandeep Sharma),
Judge**