

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.21182 of 2025

Decided on: 31st December, 2025

Gokal Chand

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Arun Kaushal, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant
Advocate General, for respondents
No.1 to 3.

Jyotsna Rewal Dua, Judge

Notice confined to respondents No.1 to 3, which
is waived by Mr. Rajat Choudhry, learned Assistant
Advocate General.

2. In view of the pleadings and submissions made
by learned counsel for the parties, notice of this petition is
not required to be issued to respondent No.4. Reply is also
not required to be called for from the appearing
respondents. With the consent of learned counsel for the
appearing parties, the matter is heard at this stage.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

3. Respondent No.4 instituted *Birbal Versus State of Himachal Pradesh & Ors.*² with the grievance that he had completed normal tenure of posting in the sub-cadre area of GPS Thach Kuther, Education Block Seraj-II, Balichowki, District Mandi, yet despite his representation, the respondents had not transferred him to a soft area or one of the stations of his choice. The writ petition was disposed of on 12.11.2025 with direction to the respondents to consider the representation of respondent No.4 in accordance with law within the given time frame.

Pursuant thereto, respondent No.3 issued office order dated 26.12.2025 (Annexure P-1), transferring respondent No.4 to GPS Thalout, Education Block Aut, District Mandi. Vide the aforesaid office order, the petitioner, who was serving at GPS Tarayal, Education Block Aut, has been transferred to GPS Thach Kuther, Education Block Seraj-II, i.e. place of posting of respondent No.4.

4. Learned counsel for the petitioner submits that the petitioner has indeed completed his normal tenure at GPS Tarayal, Education Block Aut, hence, is liable to be transferred from the present place; Petitioner's grievance,

² CWP No.17551 of 2025, decided on 12.11.2025

however, is that under the impugned office order, he has been transferred to GPS Thach Kuther, Education Block Seraj-II, which is a sub-cadre area, whereas, petitioner's present place of posting is also a sub-cadre area. He, therefore, having completed much more than the normal tenure at one sub-cadre area, cannot be transferred again to another sub-cadre area. That the petitioner is liable to be transferred to a soft area or a station of his choice, having served much more than the normal tenure at sub-cadre area. Learned counsel further submits that the petitioner has already made a representation on 27.12.2025 (Annexure P-4) to respondent No.3, highlighting his grievances against the impugned office order, but the aforesaid representation has not been considered and decided as yet.

5. In view of the facts projected for the petitioner, it is deemed appropriate to direct respondent No.3/competent authority to consider and decide petitioner's representation dated 27.12.2025 (Annexure P-4) in accordance with law and applicable transfer policy within a period of ten days from today. Ordered accordingly. The decision so arrived at shall also be communicated to the petitioner.

Till decision of the representation, the impugned office order dated 26.12.2025 (Annexure P-1) shall remain stayed qua the petitioner, or in other words, the petitioner shall be permitted to continue to serve at GPS Tarayal, Education Block Aut. It is clarified that this order shall not be construed to have interfered in any manner with the transfer of respondent No.4 from GPS Thach Kuther, Education Block Seraj-II to GPS Thalout, Education Block Aut under the impugned office order.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

December 31, 2025
Mukesh

Jyotsna Rewal Dua
Judge