



2025:UHC:9220-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

7th November, 2025

Special Appeal No. 223 of 2025

Rajendra Chand Rajwar

-----Appellant

Versus

State of Uttarakhand and others

-----Respondents

Presence:-

Mr. T. P. S. Takuli, learned counsel for the appellant.

Mr. J.S.Pande, learned Standing Counsel for the State/ respondent no.1.

Mr. Atul Bhatt, Standing Counsel for the Central
Government/respondent nos. 2 & 3.

JUDGMENT : (per Mr. SUBHASH UPADHYAY, J.)

This *intra court* appeal has been filed by the appellant/petitioner assailing the judgment and order dated 18.08.2025, passed by learned Single Judge, in Writ Petition No. 1357 (S/S) of 2025 Rajendra Chand Rajwar vs. State of Uttarakhand and others, whereby the petition filed by the petitioner against the transfer order dated 10.06.2025 and the order dated 08.08.2025, by which, the representation of the petitioner was rejected, has been dismissed.

2. By the transfer order dated 10.06.2025, the



appellant/petitioner who is working as Head Assistant at AIR Squadron, NCC, Pant Nagar, District Udham Singh Nagar was transferred to Pithoragarh. The representation submitted by the petitioner against the transfer order was rejected on 08.08.2025 and the petitioner has also challenged the said order before the Writ Court.

3. The petitioner who has spent five years and three days in remote area has spent twenty two years six months and one day in accessible area and was due for transfer as per the Transfer Act. The appellant submits that though he has spent five years in remote area but there are employees, who have not spent even a single day in remote area, as such, those employees were liable to be transferred before the transfer of the petitioner. In this regard, he makes reference to the list wherein those employees are placed at serial no. 27 to 33.

4. *Per contra*, learned counsel for the respondents submits that the transfers were made in accordance with the provisions of Transfer Act and as per the said Act, the list of employees who were liable to be transferred was prepared and the employees are placed in the said list in the descending order, as per their length of service rendered in the accessible area and in the said list, the petitioner is placed at serial no. 25 and other persons are



at serial no. 27 to 33, below the petitioner as they have spent less time in accessible area than the petitioner.

5. We have heard learned counsel for the parties and on the perusals of record, we are of the opinion that there is no infirmity in the order passed by learned Single Judge. Transfer is an exigency of service and no employee has an indefeasible right to be posted at a particular place. Admittedly, the petitioner has spent twenty two years six months one day in accessible area and is due for transfer and there is no any violation of provisions of the Transfer Act. The learned Single Judge has considered the said aspect of the matter and the writ petition filed by the petitioner was dismissed on merits and in para 7 of the order, the learned Single Judge has held as hereunder:

“7. For compulsory transfer from accessible area to remote area, a list is to be prepared according to Section 17 of the Act. It is prepared in descending order beginning from the employees spending longest time in the accessible area during the whole service period and, thereafter the transfers are effected. The petitioner is in the list for compulsory transfer. He appears at Serial No.25, as he has spent 22 years, 06 months and 1 day in the accessible area. Accordingly, he has been transferred. Merely because there are some persons in the list, who have not spent any time in the accessible area, does not give a cause to the petitioner to challenge the transfer list. The petitioner has been transferred in accordance with the provisions of the Act. Moreover, the transfer order was passed on



2025:UHC:9220-DB

10.06.2025 and for the first time, it was challenged in the first petition on 06.08.2025. It is much delayed also. The challenge to transfer at such a belated stage is also not permissible. Even it has not been shown that the transfer of the petitioner has been made in violation of any provisions of the Act. Accordingly, there is no reason to interfere in the instant petition and the petition deserves to be dismissed at the stage of admission itself.”

6. In view of the above, there is no scope of interference in the present Appeal. The Special Appeal fails and is hereby dismissed.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 07.11.2025

Kaushal