



2025:UHC:10066-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

Writ Petition (S/B) No. 476 of 2025

13th November, 2025

Deep Chandra Belwal -----Petitioner

Versus

State of Uttarakhand and others -----Respondents

Presence:-

Mr. D.S.Patni, learned Senior Counsel, assisted by Mr. Himanshu Yadav, learned counsel for the petitioner.

Mr. S.M.S.Mehta, learned Brief Holder for the State of Uttarakhand.

Mr. Pankaj Chaturvedi and Ms. Neeti Rena, learned counsel for the respondent nos. 2 & 3.

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

The petitioner has filed the present Writ Petition with the following prayer:

"i. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 29.10.2025 (not formally served by the department on the petitioner but received by the petitioner through social media on 30.10.2025) passed by respondent no. 2 (contained as Annexure No. 3 to this Writ Petition)

ii. Issue a writ, order or direction in the nature of certiorari quashing the impugned ex-parte relieving order dated 30.10.2025 passed by respondent no. 2 (contained as Annexure No. 4 to this writ petition).

iii. Issue a writ, order or direction in the nature of



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mandamus commanding and directing the respondents to permit the petitioner to discharge his duties at his original place of posting i.e. Uttarakhand Jal Sansthan, Haldwani Rural (Lalkua), District Nainital and pay upto date salary.”

2. Counsel for the petitioner submits that the petitioner, who is an Assistant Engineer working in the Uttarakhand Jal Sansthan is aggrieved by the order dated 29.10.2025, by which, he has been transferred from Lalkuan to Udham Singh Nagar. Counsel for the petitioner has challenged the said transfer order on the ground that as per the Uttarakhand Annual Transfer of Public Servants Act, 2017, the petitioner, who is above 55 years of age being a senior employee cannot be transferred in the last stage of service; that transfer of Assistant Engineer is to be made only by the State Government and the said power cannot be delegated; that in pursuance to the order impugned the petitioner has been *ex parte* relieved by the office of Executive Engineer, Uttarakhand Jal Sansthan Haldwani on 30.10.2025 and no employee has joined at the post of petitioner; that the petitioner's wife is suffering from a serious lung disease and is undertaking medicines from Haldwani; that daughter of the petitioner is suffering from mental illness and getting instructions at home from National Institute of Open Schooling from



Haldwani Centre.

3. *Per contra*, learned counsel for the respondent-Uttarakhand Jal Sansthan, submits that the petitioner is continuously working in Lalkuan Division since 2015 without any break; that the transfer of the petitioner was made after the approval accorded by the State Government in view of Section 25 (2) of the Uttarakhand Jan Sansthan Engineering Service Rules, 2011; that in place of the petitioner Mr. Shekhar Rautela has already taken the charge and has started working since 31.10.2025.

4. Learned counsel for the respondent submits that vide order dated 06.11.2025 respondent nos. 2 & 3 were directed to file an affidavit setting out the distance between the current place of posting and the transferred place of posting of the petitioner and a specific statement has been made in para 8 of the counter affidavit that the distance between the two place is 26 Kms.

5. Learned counsel for the respondent, as such, submits that as the petitioner has been continuously working at the present place of posting for more than



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nine years and was due for transfer, as such, there is no illegality in the transfer order. Moreover, as the petitioner is transferred only at a distance of 26 Km, as such, the petitioner can easily commute between the two place of posting and the family is not to be shifted.

6. After hearing learned counsel for the parties, we are not inclined to interfere with the transfer order dated 29.10.2025. Admittedly the petitioner has worked at Lalkuan Division for more than 9 years and was due for transfer. Transfer is an exigency of service and no employee has an indefeasible right to be posted at a particular place of posting. The petitioner has been transferred only 26 Km. away from the earlier place of posting, as such, no hardship is caused to the petitioner by the said transfer.

7. In view of the above, the Writ Petition fails and is dismissed.

(G. NARENDAR, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 13.11.2025

Kaushal