

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2974/2026

CM No. 6563/2026

Sunil Sharma

.....Appellant(s)/Petitioner(s)

Through: Mr. Anuj Dewan Raina, Advocate

vs

UT of J&K and ors.

..... Respondent(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate
Ms. Mandeep Kour, Advocate vice
Ms. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
25.09.2026

1. The petitioner, through the medium of present petition, has challenged order dated 01.09.2026 issued by the Block Development Officer, Ramnagar, whereby besides relieving the petitioner from his present assignment, he has been directed to report to the office of Assistant Commissioner Development, Udhampur for further duties and certain remarks relating to his conduct have also been made.
2. I have heard learned counsel for the parties and perused record of the case.
3. A perusal of the impugned order would reveal that the petitioner, who is working as Technical Assistant with the respondent department on the contractual basis, has been relieved in terms of impugned order dated 01.09.2026 from the office of Block Development Officer, Ramnagar and asked to report in the office of Assistant Commissioner, Development, Udhampur for further duties/posting. It is also recorded

in the impugned order that the petitioner has repeatedly expressed his unwillingness/refusal to undertake duties pertaining to schemes/works other than VB-GRAM-G despite being directed to perform such duties. It has also been recorded that such conduct of the petitioner has affected the discipline, coordination and overall working environment of the office and it has caused difficulties in the smooth and effective functioning of the office.

4. So far as jurisdiction and competence of the respondents to transfer the petitioner from one place to another place in accordance with the terms of his employment is concerned, the same cannot be disputed. Therefore, it is well within the competence of the respondents to relieve the petitioner from his existing place of posting and post him to another place, so long as the same does not contravene the terms of his engagement. To this extent, this Court does not find anything illegal or contrary to the law in the impugned order.
5. However, in the impugned order, the respondents have recorded certain facts with regard to the conduct of the petitioner viz., his unwillingness/refusal to undertake the duties and his conduct which allegedly has adverse effect upon discipline and coordination of the office.
6. The grievance of the petitioner is that before recording such remarks against the petitioner, at least he should have been given a show cause notice and afforded an opportunity to put across his side of the story. It has been contended that the remarks regarding conduct of the petitioner recorded in the impugned order dated 01.09.2026 would

visit him with adverse consequences in his service career as the same are stigmatic in nature.

7. The contention of the petitioner on the aforesaid aspect of the matter appears to be well founded because it is nowhere stated in the impugned order that any enquiry was conducted or any show cause notice was given to the petitioner before recording the aforesaid remarks in the impugned order. The order impugned to the extent of recording adverse remarks against the petitioner, is, therefore not sustainable in law.
8. For what has been discussed hereinabove, the impugned order, to the extent of transfer of the petitioner from present place to the new place of posting is upheld. However, it is provided that the remarks regarding the conduct of the petitioner, recorded in the impugned order, shall not come in the way of the service career of the petitioner. If at all the respondents intend to take any action against the petitioner for his alleged adverse conduct, they shall be at liberty to do so in accordance with law after following the principles of natural justice and affording an opportunity to the petitioner to project his version.
9. The petition is **disposed of**.

(SANJAY DHAR)
JUDGE

Jammu
25.09.2026
Neha-II