

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No.2553 of 2026 a/w
CWP No.3672 of 2026
Date of Decision: 17.08.2026**

1. CWP No.2553 of 2026

Tirath Ram Petitioner

Versus

Himachal Road Transport Corporation
and others ...Respondents

2. CWP No.3672 of 2026

Kaptan Singh ...Petitioner

Versus

Himachal Road Transport Corporation
and others ...Respondents

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***Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.
Whether approved for reporting?¹***

1.CWP No.2553 of 2026

For the petitioner : Mr. Ashok Kumar, Advocate
For the respondents: Mr. Raman Jamalta, Advocate

2.CWP No.3672 of 2026

For the petitioner: Mr. Ashok Kumar, Advocate
For the respondents: Mr. Virender Kanwar, Advocate

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner, in CWP No.2553 of 2026, is working as
Conductor is feeling aggrieved by the office order dated 12.02.2026

¹ Whether reporters of Local Papers may be allowed to see the judgment?

(Annexure P-4), whereby the relieving order earlier issued qua him vide order dated 10.02.2026 from Sansarpur Terrace to Dehra Unit w.e.f. 11.02.2026 (A.N.) was withdrawn and also the office order dated 28.02.2026 (Annexure P-5) issued by the Managing Director of the respondent-Corporation, whereby transfer order of the petitioner vice Kaptan Singh has been withdrawn with immediate effect has approached this Court for quashing the *ibid* orders. In another CWP No.3672 of 2026 vide office order dated 12.02.2026 issued by the Regional Manager, HRTC Dehra, the relieving order issued by him on 10.02.2026 has been withdrawn with immediate effect and thereafter, the transfer order dated 10.02.2026 from Dehra to Sansarpur Terrace has been withdrawn by the Managing Director of the respondent-Corporation.

2. Since both the petitioners were transferred vice-versa and thereafter the transfer order issued on 10.02.2026 has been withdrawn, vide office order dated 28.02.2026 both the petitions have been taken up together and being disposed of by a common judgment.

3. Shorn of unnecessary details, the key facts of the case are that the petitioner namely Sh. Tirath Ram, who was working in Sansarpur Terrace Unit was transferred to Dehra Unit and the petitioner namely Kaptan Singh was transferred from Dehra Unit to

Sansarpur Terrace Unit. Both the petitioners were transferred without TTA/Joining Time as per the common office order dated 10.02.2026 (Annexure P-1).

4. Both the petitioners in compliance with the office order dated 10.02.2026 were relieved of their duties from their respective places on 11.02.2026, who joined their duties on 12.02.2026. However, the Regional Manager, Dehra Unit/Sansarpur Terrace, vide impugned office orders of the same date i.e. 12.02.2026 had withdrawn the relieving orders issued in respect of the petitioners, who had joined their duties at the transferred places as conductors with immediate effect, without any authority of law. Thereafter, the Managing Director of the respondent-Corporation has withdrawn the transfer order dated 10.02.2026 vide office order dated 28.02.2026.

5. Feeling aggrieved by the office order(s) dated 12.02.2026, issued by the Regional Manager of the respondent-Corporation as well as office order withdrawing the transfer order dated 28.02.2026 by the Managing Director of the respondent-Corporation, the petitioner(s) have approached this Court *inter alia* on the ground that they were transferred vide office order dated 10.02.2026 and in sequel to the said order, they had submitted their joining on 12.02.2026, which was duly accepted. Thereafter, there was no reason to withdraw the relieving orders, that too, without

any notice to them by the Regional Manager of the respondent-Corporation. It has also been averred that there is neither any administrative exigency nor public interest involved while issuing the impugned orders, whereby the relieving orders issued have been withdrawn and thereafter, the transfer order dated 10.02.2026 has been withdrawn with immediate effect.

6. It has further been averred that the impugned orders are silent and non-speaking. After issuing the office order dated 12.02.2026, whereby their relieving orders were withdrawn, the Managing Director of the respondent-Corporation had issued the office order dated 28.02.2026, whereby the petitioner(s), who were earlier transferred from Dehra Unit to Sansarpur Terrace and vice versa was withdrawn and as such, they have prayed for quashing the aforesaid orders, i.e. withdrawal of the relieving orders vide office order dated 12.02.2026 and transfer order dated 10.02.2026 vide office order dated 28.02.2026.

7. The respondent-Corporation filed reply to the petition and averred that the petition(s) are not maintainable in the present form and the petitioner(s) have suppressed the material facts and have not approached this Court with clean hands. Thus, the principle of *suppressio veri* and *suggestio falsi* are applicable against the petitioner(s).

8. It has been averred that the petitioner namely Tirath Ram was appointed as a conductor with the respondent-Corporation on 01.10.2004 on contract basis at Dehra Unit, who belongs to Una District. He has been performing his duties w.e.f. 01.10.2004 to 15.06.2022 at HRTC, Dehra Unit and thereafter w.e.f. 18.06.2022 to 10.02.2026, performing his duties as Conductor at HRTC Sansarpur Terrace Unit, which is also operating from the office of Regional Manager, HRTC Dehra Unit.

9. An UO Note dated 11.11.2025 was received from the office of the Hon'ble Chief Minister, regarding transfer of the petitioner Kaptan Singh, Conductor. In the said UO note, it has been approved that Sh. Kaptan Singh, conductor may be transferred from HRTC Depot Dehra to HRTC Depot Sansarpur Terrace vice Sh. Tirath Ram, Conductor, and vice versa on a mutual basis (consent may be obtained first), in condonation of short stay and in relaxation of the ban on transfers. As per the approval of Hon'ble Chief Minister, the respondent-Corporation had implemented the UO note dated 11.11.2025 on 10.02.2026 through his own request. However, another UO note was received from the office of Hon'ble Chief Minister dated 16.02.2026 cancelling the transfer order of Sh. Tirath Ram, Conductor from HRTC Unit Sansarpur Terrace to HRTC, Dehra Unit vice Sh. Kaptan Singh, Conductor and it was proposed that Sh.

Tirath Ram may be transferred from Sansarpur Terrace Unit to Solan Unit vice Sh. Anil Kumar-V, Conductor, son of Sh. Rattan Chand, who may further be transferred to HRTC, Dehra Unit, in condonation of any short stay of Sh. Anil Kumar-V, Conductor and in relaxation of ban on transfers. In compliance with the UO note received from the office of Hon'ble Chief Minister, the respondent-Corporation implemented the same and the transfer order dated 10.02.2026 has been withdrawn vide order dated 28.02.2026.

10. In the case of Kaptan Singh, who belongs to Una District was appointed as a Conductor on 07.03.2014 on contract basis at HRTC Dehra Unit. He has been performing his duties on contract basis w.e.f. 07.03.2014 to 10.02.2026. The UO note dated 11.11.2025 was received from the office of Hon'ble Chief Minister, regarding his transfer, wherein, it was approved that Sh. Kaptan Singh, Conductor, may be transferred from HRTC Depot Dehra to HRTC Depot Sansarpur Terrace vice Sh. Tirath Ram, Conductor and vice versa on a mutual basis (consent may be obtained first), in condonation of short stay and in relaxation of the ban on transfers. As per the approval of the Hon'ble Chief Minister, the UO note was implemented. Again UO note was received from the office of Hon'ble Chief Minister dated 16.02.2026 regarding transfer order of Tirath Ram (petitioner) as stated above and thereafter the Managing

Director of the respondent-Corporation has withdrawn the order dated 10.02.2026 vide office order dated 28.02.2026.

11. The petitioner (s) have filed rejoinder(s) and controverted the pleas raised in the reply(ies) filed by the respondent-Corporation.

12. I have heard the learned counsel for the parties and also perused the record carefully.

13. No doubt, transfer is an incident of service. However, once the petitioners were transferred as per office order dated 10.02.2026 after obtaining their consent as per UO note dated 11.11.2025, as specifically mentioned in the reply filed by the respondent-Corporation, the Regional Manager of the respondent-Corporation had no authority to withdraw the relieving orders of the petitioners w.e.f. 11.02.2026 vide office order dated 12.02.2026. No doubt, after passing the office order dated 12.02.2026, the Managing Director of the respondent-Corporation had passed an office order on 28.02.2026 withdrawing the earlier transfer order dated 10.02.2026, but the same cannot be sustained in view of the fact that the Hon'ble Chief Minister had accepted the request made by the petitioners and thereafter they were transferred on the basis of UO note vide office order dated 10.02.2026 issued by the Managing Director of the respondent-Corporation and in

compliance with the said order, both the petitioners had joined at the transferred places, hence, there is no justification to withdraw the earlier orders, that too, within a short span of few days.

14. Had transfer been made on the basis of a UO note of other than the Hon'ble Chief Minister of Himachal Pradesh, the Hon'ble Chief Minister would have been right to issue UO note subsequently. But once the respondent-Corporation had acted upon the UO note issued by the Hon'ble Chief Minister and the petitioners were relieved of their duties, who had subsequently joined at the transferred places, there is neither administrative exigency nor public interest involved again transferring the petitioners within a short span of few days. The respondent-Corporation rather than acting upon the subsequent UO note issued from the office of the Hon'ble Chief Minister ought to apprise the office that the petitioners in sequel to the UO note earlier issued by the office have already joined at the transferred places on 12.02.2026 and the subsequent UO note was issued from the office of the Hon'ble Chief Minister on 16.06.2026 requires reconsideration.

15. The respondents have though averred in the petition that the petitioners have been working at Dehra since long, but once their prayer was acceded to after the UO note issued by the

Hon'ble Chief Minister, the subsequent order issued by the Managing Director of the respondent-Corporation is only to adjust Sh. Anil Kumar-V as can be seen from the reply filed by the respondent-Corporation.

16. Therefore, keeping in view the facts that the Regional Manager had withdrawn the relieving orders on 12.02.2026 without there being UO note from the office of Hon'ble Chief Minister, which was issued on 16.02.2026, the impugned orders cannot sustain. Further, once the petitioners had already joined on 12.02.2026 in sequel to the transfer order dated 10.02.2026, though on the basis of UO note from the office of the Hon'ble Chief Minister, there is no justification to withdraw the office order dated 10.02.2026, vide order dated 28.02.2026, issued by the Managing Director of the respondent-Corporation within a short span of few days. As such, the office order dated 12.02.2026 withdrawing the relieving order and office order dated 28.02.2026 withdrawing the transfer order dated 10.02.2026, are quashed and set aside.

17. Consequently, the present petitions are allowed and the impugned order(s) dated 12.02.2026, 28.02.2026 and 02.03.2026 respectively in both the petitions issued by the respondent-Corporation are quashed and set aside. However, keeping in view the fact that the petitioners are serving at Dehra Unit, the

Competent Authority is at the liberty to pass fresh transfer orders without influencing with the observations made in the present judgment.

The petitions are accordingly disposed of. No order as to costs. Pending miscellaneous application (s), if any, also stand disposed of.

17th August, 2026
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(Jiya Lal Bhardwaj)
Judge