



2026:UHC:1283-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY
25TH FEBRUARY, 2026
WRIT PETITION (S/ B) NO. 102 OF 2026

Rajani Rawat Petitioner.

Versus

State of Uttarakhand & others ...Respondents.

Counsel for the Petitioner	:	Mr. Abhijay Negi, learned counsel.
Counsel for the State	:	Mr. B.S. Parihar, learned Additional Chief Standing Counsel with Ms. Rajni Supyal, learned Brief Holder.

JUDGMENT :(per Mr. Manoj Kumar Gupta, C.J.)

1. The petitioner is currently posted as Chief Administrative Officer in the Directorate of Medical Health Services, Dehradun, Uttarakhand. She has assailed the order of her transfer in the same capacity to District Hospital Chamoli by order dated 13.02.2026, issued by Director General, Medical Health and Family Welfare, Dehradun. The order recites that the transfer has been made on administrative grounds.

2. Learned counsel for the petitioner submits that the transfer of the petitioner on administrative grounds has been made on basis of report dated 30.06.2025 by Director General, Medical Health to the State Government. He submits that the said report was submitted on basis of allegations levelled against the petitioner by other



employees of the Department at Dehradun without seeking explanation from the petitioner and also without holding any proper inquiry. Reliance has been placed on Section 18(4) of the Uttarakhand Annual Transfer for Public Servants Act, 2017, which reads as follows:-

“18(4) On enquiry, on the grounds of serious complaints of misconduct, misbehavior with senior officers and lack of interest in work etc. after necessary enquiry and confirmation, transfer of such employees may be made on administrative grounds:

Provided that the transfer on administrative grounds shall not be made casually or on the basis of complaints of routine nature and in the orders of such transfer it shall be necessary to mention Administrative Grounds.”

3. It is submitted that the Statute itself provides for necessary safeguards while ordering transfer on administrative grounds. Necessary inquiry has to be held and the allegations levelled in any complaint have to be verified and which pre-supposes that the concerned employee would be given opportunity of hearing to rebut the allegations and to lead the evidence in support of his/her case. It is urged that no such procedure has been followed.

4. Learned State Counsel has placed on record the instructions from the Assistant Director (Administration) on behalf of the Director General, Medical Health and Family Welfare, Uttarakhand, Dehradun. Therein, it is alleged that



the petitioner has not complied with the order of inter-departmental transfer issued in the past. Reliance has also been placed on the complaint filed against the petitioner by other employees. It is also stated that there are allegations of financial irregularities against the petitioner and on basis of the said allegations, by order of the Director General, Medical Health dated 14.10.2025, an Inquiry Committee was constituted. However, what happened in the said inquiry has not been disclosed. It is also stated that the petitioner was required to submit audit reports of last six years of the Uttaranchal Medical and Public Health Ministerial Association, Uttarakhand, in which, she remained President for a considerable period. However, she also failed to comply with the said direction.

5. Although, it is stated that during inquiry, petitioner was given full opportunity, but none of the documents annexed along with the instructions, reveal that any opportunity of hearing was given to the petitioner. There is no reference to the explanation of the petitioner to the alleged defaults on her part.

6. Consequently, we find that the impugned transfer order, though passed on administrative grounds, was not preceded by proper inquiry and the observations made by Director General, Medical Health and Family



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Welfare, in the report submitted on 30.06.2025, was based on her own perception.

7. This, in our considered opinion, does not fulfill the requirement of law. Consequently, the transfer order passed on administrative grounds cannot be sustained and is, hereby, quashed.

8. The petitioner has already submitted a detailed representation on 15.02.2026 in respect of the allegations mentioned in the report of the Director General, Medical Health and Family Welfare, dated 30.06.2025. We permit the respondents to pass a fresh order after taking into consideration the said representation and affording proper opportunity of hearing to the petitioner.

9. Accordingly, the writ petition stands disposed of.

10. It is made clear that the petitioner will cooperate in the inquiry.

11. Pending application, if any, also stands disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dated: 25th February, 2026

NISHANT

NISHANT
KUMAR