



2026:UHC:2400-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

6th April, 2026

Writ Petition (S/B) No. 185 of 2026

Vivek Sharma

-----Petitioner

Versus

Union of India and & others

-----Respondents

Presence:-

Mr. Krishan Mohan Joshi, learned counsel for the petitioner.
Mr. Lalit Sharma, learned Deputy Solicitor General of India, assisted by
Mr. Manoj Kumar, learned Standing Counsel for the respondents.

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

1. The petitioner is presently holding the post of Senior Commandant in CISF. He was promoted to the said post and simultaneously transferred as Senior Commandant at BHEL, Haridwar vide order dated 12.06.2024. On 24.03.2026, by the order impugned herein he has been transferred from BHEL, Haridwar to NTPC/CMP, Hazaribag. Aggrieved thereby, the instant petition has been filed.

2. The contention of learned counsel for the petitioner is that the tenure of the petitioner as per the transfer policy (CISF Circular No. 14/2015) is three years extendable by another one year due to



administrative/operational exigencies. However, the petitioner has been transferred without his completing his tenure at BHEL, Haridwar.

3. The other submission is that the transfer is not in public interest but has been passed to accommodate one Deepak Kumar at BHEL, Haridwar, on his own request.

4. Learned counsel for CISF has placed on record the instructions received from the Director General, CISF. It is stated that the transfer of Deepak Kumar, Commandant to BHEL, Haridwar has been made on compassionate ground considering his request. It is stated that his spouse is employed with the Uttarakhand Government and is posted at Narendra Nagar, near Rishikesh, where she is undergoing treatment for gynecological/obstetric complications requiring continuous medical care. This situation has significantly affected their family life. Previously he was posted far away in Hazaribag, Jharkhand and even during his tenure at FHQ, New Delhi, he could not reside with his family.

5. In respect of the petitioner, it is admitted that he has completed 1 year 9 months only at BHEL,



Haridwar. However, the stand taken is that his children are not at critical stage of education and CISF Unit, NTPC/CMP, Hazaribag is a well established unit with adequate schooling and medical facilities to support his children's education and his mother's medical needs.

6. The further stand taken is that tenure prescribed in the circular is only indicative and may be extended or curtailed depending on administrative or operational exigencies.

7. Paragraph 14 (ii) (iii) of the Circular are as follows:-

“(ii) DG, CISF may transfer as officer whenever felt necessary in public interest and on administrative/operational exigencies / requirement.

(iii) Guidelines above do not confer any right, whatsoever, upon any officer in matters of his transfer/posting to any place.”

8. The guidelines contained in the transfer policy do not confer any right in favour of any employee to claim posting and transfer at a particular location. The circular is only in shape of guidelines but the overriding factor is exigencies of service. Although, the petitioner has been transferred to accommodate one Deepak Kumar, but in the facts narrated above, it cannot be



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said that the transfer order is vitiated by any extraneous consideration. Consequently, we decline to interfere with the said order.

9. However, we leave it open to the petitioner to represent to the concerned authority, in case, there is any hardship being faced by the petitioner on account of his transfer. In the event, any such representation is made, it shall be decided within three weeks from the date it is made.

10. The writ petition stands disposed of.

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

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 06.04.2026
Kaushal