



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No.350 of 2026

16th June, 2026

Dr. Premlata Kandpal Pant

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Chetan Joshi, learned counsel for the petitioner.

Mr. J.C. Pandey, learned Standing Counsel for the State of Uttarakhand.

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

1. Heard learned counsel for the parties.
2. The present writ petition has been filed assailing the transfer order dated 09.06.2026. By the said order, the petitioner, who is presently posted as Professor (History) in Government Post Graduate College Narayan Nagar, Pithoragarh, has been transferred to M.B. Government Post Graduate College, Haldwani, Nainital.
3. The case of the petitioner is that in her application submitted under the provisions of the Uttarakhand Public Servants Annual Transfer Act, 2017, she clearly indicated that the place where she is presently posted is a *durgam* station and she was transferred to the said place on 26.07.2024 as her husband was also posted in District Pithoragarh. She had also mentioned in her application that she does not wish to be transferred to a



sugam place, however, ignoring the entire facts she has been transferred.

4. Learned State Counsel submits that the petitioner has been transferred to a *sugam* place, in view of Section 10(b) of the Act, which stipulates that, in case an employee had remained posted at a *durgam* place for more than 10 years, the employee shall be mandatorily transferred to an accessible area.

5. Learned counsel for the petitioner submits that under Section 17(c)(ii) of the Act, it is specifically provided that, as far as possible, the husband and wife should be allotted the same station. He further submits that only two years of service of the petitioner is left and since she desires to continue at a *durgam* place where people usually do not want to be posted, there was no justification on the part of the State to transfer her to *sugam* place. He further submits that the petitioner has already made a representation stating her difficulties and prays that the same be directed to be decided.

6. Having regard to the entire facts of the case and the submissions made, we dispose of the writ petition with direction to the concerned respondent to take decision on the representation of the petitioner dated 10.06.2026 within two weeks.



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7. It is further provided that till the representation is decided, the impugned transfer order dated 09.06.2026 shall remain in abeyance.

8. Learned State Counsel shall communicate the instant order to the concerned respondent within 24 hours for necessary compliance.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.06.2026

SS

**SUKHBAN
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