



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.357 of 2026
14th July, 2026

Krishna Singh Napalchyal

-----Petitioner

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Prabhat Bohra, learned counsel for the petitioner.

Mr. Amarendra Pratap Singh, learned Addl. Advocate General and
Mr. B.S. Parihar, learned Additional C.S.C. for the State of
Uttarakhand.

Mr. Harish Adhikari, learned counsel for the caveator (through V.C.)

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

1. Heard learned counsel for the parties.
2. The petitioner is holding the post of Joint Director in the Department of Ayush and Ayush Education in the State of Uttarakhand. He is aggrieved by order of his transfer dated 10.06.2026 whereby he has been transferred from the Directorate, Dehradun to the Office of District Ayurveda and Unani Officer, Nainital, District Nainital.
3. The case of the petitioner is that he is aged 56 years and falls under the category of senior employee as per Section 2(h) of the Uttarakhand Public Servant Transfer Act, 2017 and is thus exempt from transfer, in view of Section 7(d) of the Act. It is also stated that the marriage of the daughter of the petitioner is fixed for



18.10.2026 and he would face immense difficult if he is asked to join at Nainital.

4. Learned State Counsel has placed on record the instructions dated 16.06.2026 and 10.07.2026 received from the Government. It is stated that the post to which the petitioner has been transferred is a post, which has to be held by a Senior Officer and, therefore, most of the Officers who are eligible to occupy the said post are above 55 years of age.

5. It is also stated that the Nainital is an important and sensitive district, the seat of High Court, and in the said District, at Haldwani, a 50 bed Ayush Hospital is to be made operative and for this purpose the State Government needs the experience of the petitioner and, therefore, he has been transferred to Nainital. It is also stated that the caveator Dr. Mahendra Singh Gunjyal, who has been transferred in place of the petitioner, has already joined and the petitioner has been relieved.

6. Learned counsel for the petitioner submits that there are in all 05 posts of Joint Director at Dehradun and 01 post is still vacant even after the caveator has joined on one of the other vacant posts. He submits that in such circumstances, some indulgence be granted to the petitioner and he be permitted to continue at Dehradun till the marriage of his daughter is solemnized.



7. Learned State Counsel does not dispute that one post at the level of Joint Director is still vacant in the Directorate and the petitioner can be accommodated there for the time being.

8. In view of the above, without interfering with the impugned transfer order, we dispose of the writ petition by providing that the petitioner be permitted to continue at Dehradun until 31.10.2026 and he would join the transferred place on or before 01.11.2026.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 14.07.2026

ss