



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.1653 of 2026

06th July, 2026

Asha Jindwan

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Mr. M.C. Pant, learned counsel for the petitioner.

Mr. R.K. Kunwar, learned Addl. C.S.C. for the State.

Hon'ble Pankaj Purohit, J.

By means of this writ petition, the petitioner has put to challenge the order dated 10.06.2026, whereby the petitioner, a Supervisor, working with the respondent-Department has been transferred from Naugaon, Uttarkashi to Bahadrabad, Haridwar, in public interest.

2. It is the main contention of learned counsel for the petitioner that the petitioner is a senior employee and is above 55 years of age, therefore, in view of Section 7(i)(d) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 (hereinafter referred to as "Act of 2017"), she should not have been transferred.

3. By way of supplementary affidavit learned counsel for the petitioner has brought on record High School Certificate, annexure no.1 to the supplementary affidavit, wherein the date of birth of the petitioner is mentioned as 05.06.1969.

4. At the first blush, the argument of the learned counsel for the petitioner appears to be sound as the petitioner is above 55 years of age, however the provision of Section 7(i)(d) of the Act of 2017 would be attracted only in case where the transfer is being effected from accessible area to a remote area. But the case in hand is not such. Here the



transfer of the petitioner is being effected from a remote area to an accessible area, therefore this argument of learned counsel for the petitioner *does not hold any water*.

5. Learned counsel for the petitioner further submits that in view of Section 13(2) of the Act of 2017, the petitioner who has been serving in a remote area for more than ten years may request her transfer in a remote area only.

6. So far as argument of learned counsel for the petitioner relying upon Section 13(2) of the Act of 2017 is concerned, proviso of the said section provides that the petitioner may opt the place for her transfer out of her own development block and such employee shall not be posted again to the place from where he or she has been transferred before the period of six years.

7. Section 13 of the Act of 2017 would be attracted only in the cases where the transfer is being effected on request. Here in the case in hand, the transfer of the petitioner is being made under the compulsory transfer from remote to accessible area, therefore the said provision will also not be attracted.

8. Transfer is exigency of service and the petitioner remain posted in the place from where she has been transferred, for a sufficiently long period.

9. The petitioner has got no indefeasible right to stay at a place of her choice for a long time in public service, therefore no interference in warranted.

10. Accordingly writ petition stands dismissed.

(Pankaj Purohit, J.)

06.07.2026

SK