



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No.1702 of 2026

07 July, 2026

Prem Ram

--Petitioner

Versus

State Of Uttarakhand and Others

--Respondents

Presence:-

Mr. Bhagwat Mehra, learned counsel for petitioner.

Mr. Sushil Vashisth, learned Standing Counsel for the State of Uttarakhand/respondent Nos.1 and 3.

Mr. K.K. Tiwari, learned counsel for respondent No.2.

Hon'ble Pankaj Purohit, J. (Oral)

Petitioner has challenged the impugned transfer order dated 30.06.2026 passed by respondent No.2, whereby, petitioner, who is a Senior Assistant, was transferred from Rudraprayag to Dehradun.

2. It is contended by learned counsel for petitioner that the services of petitioner were regularized vide order dated 19.10.2012 and he was posted at Gopeshwar, Chamoli. Thereafter, in the month of August 2017, he was transferred from Gopeshwar, District Chamoli to District Rudraprayag.

3. It is further submitted by him that vide letter dated 25.05.2026, respondent No.2 circulated the list of eligible employees for compulsory transfer and options/representations were invited against the said eligibility list from all concerned employees. Petitioner submitted his representation dated 30.05.2026 to respondent No.2 through proper channel, in which, he categorically stated that he has already completed 55 years of age way back in year 2024 and as per provision of the Uttarakhand Annual Transfer For Public Servants Act, 2017, (in short 'the Transfer Act'), he comes under the definition of



‘Senior Employee’ and exempted from the transfer.

4. Learned counsel for petitioner further submits that petitioner requested to transfer him to Gopeshwar, District Chamoli and if it is not possible, he intends to remain posted at the same place i.e. Rudraprayag. But, vide impugned transfer order dated 30.06.2026, petitioner has been transferred from Rudraprayag to Dehradun. Thus, learned counsel for petitioner contends that the impugned transfer order cannot be sustained in the eyes of law and deserves to be set aside.

5. Per contra, learned State Counsel and counsel for respondent No.2 submitted that petitioner has remained posted in Rudraprayag since 2017 and has been transferred from remote area i.e. Rudraprayag to accessible area i.e. Dehradun vide impugned transfer order dated 30.06.2026.

6. It is further submitted by them that exemption under Section 7(d) of the Transfer Act is applicable and is attracted only when a senior employee is transferred from accessible area to remote area, therefore, the said exemption will not come to rescue of the petitioner.

7. Having heard the learned counsel for parties and having perused the record, this Court find favour with the submission made on behalf of respondents that exemption under Section 7(d)(i) of the Transfer Act is not attracted in case of the petitioner, as he has been transferred from remote area i.e. Rudraprayag to accessible area i.e. Dehradun. For ready reference, Section 7(d)(i) of the Transfer Act is quoted herein below:-

**“7(d). The employees under following categories shall exempted from compulsory transfer from accessible area to remote area; namely: -
(i) Senior employees;”**



8. This argument advanced on behalf of petitioner cannot be sustained and deserves to be rejected. Petitioner has put in sufficiently long service in Rudraprayag, and therefore, he has been transferred under the compulsory transfer by the respondent No.2. Transfer of the public servant can be made under exigency of service and it is incidental to service. Petitioner has got no indefeasible right to stay at a place for long on his own choice.

9. In view of the above, invoking discretionary jurisdiction under Article 226 of the Constitution of India, this Court is not inclined to interfere in the matter.

10. Accordingly, the writ petition is dismissed *in-limine*.

11. Pending application stands disposed of.

(Pankaj Purohit, J.)

07.07.2026

PN

PREETI NEGI