



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

Special Appeal No.297 of 2026

8th July, 2026

Leela Pargai

-----Appellant

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Amar Murti Shukla, learned counsel for the appellant.

Mr. Rajeev Singh Bisht, learned Deputy Advocate General for the State of Uttarakhand.

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

1. Heard learned counsel for the parties.
2. The present appeal is directed against the order of learned Single Judge dated 01.07.2026 whereby the writ petition filed by the appellant challenging the order of her transfer dated 10.06.2026 from Ramgarh, District Nainital to Rudrapur, District Udham Singh Nagar has been dismissed.
3. The appellant is holding the post of Supervisor in the Department of Women Empowerment and Child Development. The case of the appellant is that she is a senior employee aged more than 55 years and, therefore, as per Section 7(d)(i) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 she is exempt from compulsory transfer. It is also her case that she is presently posted at an inaccessible place, therefore, she



cannot be compelled against her wish to go to an accessible place.

4. The learned Single Judge has repelled the contention holding that Section 7(d)(i) would not get attracted to a case where a person is transferred from a remote area to an accessible area. It has also been observed that the purpose of annual transfer of employees is to ensure that those posted at accessible places also serve at inaccessible places and therefore the petitioner has to make way for such employees.

5. Learned counsel for the appellant submits that the exemption contemplated under Section 7(d)(i) would apply with greater force in case a senior employee is sought to be transferred from inaccessible area to an accessible area. In support of his submission, learned counsel for the appellant has placed reliance on a judgment of this Court dated 19.06.2026 passed in WPSB No.372 of 2026 where in similar facts and circumstances while considering Section 7(d)(i) of the Uttarakhand Annual Transfer for Public Servant Act, 2017, the Court has observed as follows:

“4. It is a matter of common knowledge that employees are not willing to be transferred to remote places. The petitioner, who is a senior employee, had showed her disinclination to be transferred to an accessible area. Section 7(d)(i) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 exempts senior employees from being transferred from



accessible area to remote area. The said exemption will apply with greater force in case a senior employee is seeking exemption from compulsory transfer from remote area to accessible area. The respondents have effected the transfer without examining the scheme and purpose of the provisions of the Transfer Act.”

6. In the present case the respondents have transferred one Hemlata Kohli in place of the appellant. She had challenged her transfer by way of WPSS No.1615 of 2026 and the said writ petition was disposed of by learned Single Judge by order dated 17.06.2026 directing the respondents to decide her representation and it was further provided that till her representation is decided, the transfer order would remain in abeyance.

7. We have been informed by learned State Counsel that in pursuance of the said order Hemlata Kohli made representation against her transfer and her representation has been accepted.

8. In the circumstances aforesaid, we dispose of the instant appeal by providing that the appellant may make representation against her transfer order along with attested copy of the instant order. It is further provided that in the event the representation is filed within one week from today, the same shall be decided by the concerned respondents within next two weeks, and until the representation is decided, the transfer order shall remain in abeyance. Thereafter, it would abide by the



order that would be passed on the representation of the appellant. Accordingly, the order of the learned Single Judge shall stand set aside.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 08.07.2026
ss