



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Bench No. 405 of 2026

Dr. Atul Saxena

--Petitioner

Versus

State of Uttarakhand and Others

--Respondents

Presence:-

Mr. Abhijay Negi, learned counsel for the petitioner.

Mr. S.S.Chaudhary, learned Standing Counsel with Mr. Tarun Lakhera, learned Brief Holder for the State.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

By means of the instant writ petition, the petitioner has challenged transfer order dated 30.06.2026, issued by State of Uttarakhand, by which petitioner has been transferred from the Government Medical College, Haldwani to Government Medical College, Pithoragarh. He is shown as a Casualty Medical Officer at serial no. 36 of the transfer list; other related reliefs have also been sought by the petitioner.

2. It is the case of the petitioner that petitioner had joined the Uttarakhand Forest Hospital Trust, Haldwani, as it was known then, on 07.01.2006, on contractual basis as Casualty Medical Officer. He was never transferred. His contract was extended from time to time. On 02.03.2007, he was appointed as a regular Casualty Medical Officer. The services of the petitioner were confirmed on 23.03.2010.

3. It is the case of the petitioner that on 06.04.2010, a special meeting of the Uttarakhand Forest Hospital Trust was

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convened, wherein a decision was taken that the Trust would be dissolved and all the property rights, responsibilities, affiliated institutions, employees, and works. which were undertaken by the Trust, would now be undertaken by the respondent-State Government on the basis of "as is where is basis" from 01.05.2010 onwards, the petitioner has been working there. Now suddenly, he has been transferred. In fact, before transfer, according to the petitioner, he was asked to submit options, which he has objected to also. Petitioner has grievances with regard to his non-promotion as Associate Professor, for which also, according to the petitioner, he has addressed communication to the respondents. It is further case of the petitioner that in the transfer, an arbitrary approach was taken by the State Government and the transfer order is non-speaking and unreasonable.

4. Learned counsel for the petitioner would submit that when the Uttarakhand Forest Hospital Trust was dissolved, and it was transferred to the State Govt. "as is where is" basis, the petitioner had settled in his life at Haldwani. The resolution dated 06.04.2010, by which the Trust was dissolved in the State Government, does not provide for transfer of the doctor. Therefore, transfer order is bad.

5. In addition to this, it is also argued that the petitioner is suffering with various ailments. He had requested the respondent authorities for his medical examination. On 19.06.2026, Chief Medical Officer/Secretary, Uttarakhand Medical Board had written a communication with regard to the medical checkup of the petitioner, (Annexure no.4 to the petition) but without any such examination, he has been transferred. It is also argued that there are various other doctors, employees working in the hospital in the Medical College who have not been transferred. Learned counsel for



the appellant also argued that the impugned order reveals that the petitioner is "Sankay Sadasya" ("faculty member"), whereas he is not being given benefit of the faculty member in the matters of his promotions and in any other matter.

6. Mr. S.S. Chaudhary, learned State Counsel submits that by resolution dated 06.04.2010, it was resolved that the Uttarakhand Forest Hospital Trust shall be taken over by the State Government, and all the assets, etc. of the Uttarakhand Forest Hospital Trust would be assets of the State Government. He would refer that transfer in such condition was permissible under clause 7 of the resolution, and the petitioner is an employee of the Medical College, hence he is amenable to transfers.

7. Learned counsel for the petitioner would submit that in the transfer order, the petitioner has been addressed as faculty member.

8. The resolution dated 06.04.2010 by which, the Uttarakhand Forest Hospital Trust properties, responsibilities, etc. were undertaken by the respondent-State Government, categorically reveals that employees, faculty members, officers shall be subject to transfer. The resolution is Annexure no.6 to the writ petition.

9. There is a dispute between the parties as to whether the petitioner is faculty member or not, because it is the case of the petitioner that he is being denied the benefit of the faculty member, but learned State Counsel submitted that the petitioner is not the faculty member. The resolution dated 06.04.2010 permits transfer. Petitioner has been transferred from the Government Medical College, Haldwani to the Government Medical College, Pithoragarh. It has not been brought to the notice that any condition of the



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Uttarakhand Annual Transfer for Public Servants Act, 2017, has been violated. It is argued that the petitioner claims that he is unwell, his medical checkup to be done, but it was not done.

10. The Court specifically asked the counsel for the petitioner as to whether the petitioner is serious patient in view of Section 3 (d) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 ("The Act"). He submitted that as such the petitioner does not fall in this category, but he is suffering with some eye problem, which may subsequently tend to term as serious disease.

11. At present, admittedly, the petitioner does not fall in the category of serious patient under Section 3 of the Act. What is argued is that the transfer order is not speaking order. Transfer orders are not required to write reasons for each and every transfer made. According to provisions of the Act, the transfer order records, that the transfers have been made. It's not a case of alleged *malafide* either. If some of the transfers were not made, this Court may not examine each and every transfer as to who should have been transferred. After all transfer is exigency of a service. Therefore, this Court does not see any reason to make any intervention.

12. Accordingly, the present writ petition is dismissed.

(Siddhartha Sah, J.)

27.07.2026

(Ravindra Maithani, J.)

27.07.2026

JKJ /