



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1719 of 2026

08 July, 2026

Shamsher Singh

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-

Mr. Tarun Prakash Singh Takuli, Advocate for the Applicant.

Mr. N.S. Pundir, learned Dy.A.G. for the State.

Hon'ble Pankaj Purohit, J. (Oral)

By means of this writ petition, petitioner has sought quashing of order dated 30.06.2026 passed by respondent no.2 to the extent whereby petitioner, who is working as Senior Administrative Officer, has been transferred from Training and Employment Directorate, Uttarakhand, Haldwani (Nainital) to Government Industrial Training Institute, Pithoragarh.

2. Facts of the case are that the petitioner was initially appointed as a Junior Assistant in the year 2006 in the Training & Employment Directorate, Uttarakhand, Haldwani. During the course of his service, he was promoted to the posts of Senior Assistant, Head Assistant and thereafter Administrative Officer, on which post he was posted at Government Industrial Training Institute, Pithoragarh. Subsequently, on his promotion to the post of Senior Administrative Officer, he was transferred and posted at the Training & Employment Directorate, Uttarakhand, Haldwani, where he joined pursuant to the order dated 09.10.2024. The wife of the petitioner is stated to be suffering from 100% permanent disability (hearing and speech impairment).



3. It is stated that while the department was preparing the eligibility list of annual transfers for the year 2026-27, the petitioner submitted the disability certificate of his wife before respondent no.2 on 26.05.2026. Thereafter, respondent no. 2 issued the transfer order dated 30.06.2026 transferring the petitioner from the Training & Employment Directorate, Uttarakhand, Haldwani to Government Industrial Training Institute, Pithoragarh. The transfer list was thereafter published on 03.07.2026. The petitioner has also placed on record the eligibility list prepared for the annual transfer exercise and claims that out of eight Senior Administrative Officers shown as eligible for transfer, only two officers, including the petitioner, were transferred from an accessible area to a remote area. Aggrieved by the transfer order dated 30.06.2026, petitioner has filed the present writ petition seeking its quashing to the extent it relates to him.

4. Learned counsel for the petitioner submits that the impugned transfer order dated 30.06.2026 is arbitrary, illegal and has been issued in complete disregard of the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017. It is submitted that the petitioner's wife is suffering from 100% permanent hearing and speech disability and the disability certificate was duly submitted before the competent authority on 26.05.2026 during the annual transfer exercise. However, the respondents failed to consider the said certificate and proceeded to transfer the petitioner from Haldwani to Pithoragarh. It is contended that in view of Sections 3(e), 7(d)(iii) and 13(4) of the Act, petitioner was entitled to exemption from transfer, and,



in absence of any exceptional administrative exigency or reasons recorded by the competent authority, impugned transfer order is liable to be quashed.

5. Learned counsel further submits that the transfer exercise has been carried out in a discriminatory and arbitrary manner. Referring to the eligibility list, it is argued that although several Senior Administrative Officers were eligible for transfer, only two officers, including the petitioner, were transferred from accessible areas to remote areas, while other similarly situated employees were either retained at their existing places of posting or granted exemption on account of disability. It is contended that the respondents have selectively applied the provisions of the Transfer Act without any rational basis, thereby violating the mandate of Article 14 of the Constitution of India. It is further submitted that the petitioner had not even completed two years at his present place of posting when the impugned order came to be issued.

6. Learned counsel submits that the respondents acted mechanically without considering the petitioner's representation and the disability certificate submitted by him, rendering the impugned order arbitrary and unsustainable in law. It is further argued that the transfer order has been issued with mala fide intent to victimize the petitioner, who intended to contest the election of the ministerial employees' association. On these grounds, it is prayed that the writ petition be allowed and the impugned transfer order dated 30.06.2026, to the extent it relates to the petitioner, be quashed.



7. Having heard the learned Counsel for the parties and after perusal of the material available on record, this Court is of the considered opinion that no case for interference with the impugned transfer order is made out. It is a settled proposition of law that transfer is an incidence of service and an employee holding a transferable post has no vested right to remain posted at a particular place. The scope of judicial review in matters relating to transfer is extremely limited and this Court would ordinarily not interfere with a transfer order unless the same is shown to be in violation of any statutory provision, passed by an incompetent authority or vitiated by mala fides or patent arbitrariness.

8. The principal contention of the petitioner is that his wife is suffering from 100% permanent disability and, therefore, he was entitled to exemption from transfer under the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017. However, merely because the spouse of the petitioner is suffering from disability would not confer upon the petitioner an absolute or indefeasible right to remain posted at a particular station. From the eligibility list, it is quite apparent that the petitioner has served in accessible area for 7216 days i.e. a period of around 20 years.

9. The petitioner has failed to demonstrate that the impugned transfer order has been passed in contravention of any mandatory statutory provision so as to warrant interference by this Court in exercise of its writ jurisdiction. Furthermore, the plea of discrimination raised by the petitioner is also devoid of substance. Merely because some other employees have not been transferred or have allegedly been granted exemption



2026:UHC:5566

would not, by itself, render the transfer of the petitioner illegal. It is well settled that transfer is primarily an administrative matter and unless hostile discrimination or arbitrariness is established by cogent material, no interference is called for. Likewise, the allegations of mala fides are vague and bald in nature. No specific officer against whom mala fides have been alleged has been impleaded by name, nor has any material been placed on record to substantiate such allegations.

10. In view of the aforesaid discussion, this Court finds no illegality, arbitrariness or mala fides in the impugned transfer order warranting interference under Article 226 of the Constitution of India.

11. Accordingly, the writ petition, being devoid of merit, is dismissed.

12. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
08.07.2026

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