

**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****July 08, 2026****Writ Petition (S/B) No.418 of 2025**

Dr. Vijendra Pratap Singh

----Petitioner

Versus

State of Uttarakhand & Others

----Respondents

Presence:-

Mr. Yogesh Kumar Pacholia, learned counsel for the petitioner

Mr. Puran Singh Bisht, learned Chief Standing Counsel with Mr. J.C. Pande, learned Standing Counsel and Mr. M.S. Bisht, learned Brief Holder for the State.

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

1. The petitioner, who is presently holding the post of Veterinary Officer, is aggrieved by the transfer order dated 30.06.2026, whereby he has been transferred from Government Veterinary Hospital, Subhash Nagar, Dehradun to Sheep Breeding Farm, Kedarkantha, District Chamoli.

2. The case of the petitioner is that his name has been wrongly included in the eligibility list prepared under Section 8 of the Uttarakhand Annual Transfer For Public Servants Act, 2017 (*hereinafter referred to as 'the Act'*). It is submitted that the petitioner has not completed 04 years of service at the present place of posting i.e. Subhash Nagar, Dehradun.



According to the petitioner, the total service rendered by him at Subhash Nagar, Dehradun, which is an accessible place, is 03 years and 03 months only, and therefore he is not covered by Section 8 of the Act. It is stated that the petitioner was transferred to Veterinary Hospital, Subhash Nagar, Dehradun, vide order dated 07.01.2022, however, the said order was challenged by one Rajiv Mohan Sharma by way of Writ Petition (S/B) No.150/2022 and, vide order dated 04.04.2022, this Court stayed the effect and operation of the order dated 07.01.2022. Consequently, the Department, vide its order dated 09.05.2022, directed the petitioner to join at the Directorate of Animal Husbandry and the petitioner continued there until the writ petition was dismissed and the order of his attachment was revoked by order dated 09.01.2023. He submits that the said period has to be excluded while counting the service rendered at accessible place. It is further submitted that there are several other government employees who have rendered virtually no service at remote place. It is further submitted that the Government is adopting pick and choose policy in effecting transfers inasmuch as the persons named in paragraph 21 have remained posted at accessible place for a much longer period.

3. Learned State Counsel has placed on record the



instructions received from the Directorate and, according to which, the Department has rightly calculated the period of service of the petitioner at an accessible place. It is further stated that the Department is acting strictly in accordance with the Transfer Policy and the allegation of 'pick and choose' has been denied. It has further been stated that in the option form, the petitioner had not given any option for transfer at an accessible place and, consequently the options given by the petitioner could not be accepted.

4. Section 8 of the Act is as follows:-

"The maximum ceiling of compulsory transfer from accessible area to remote area shall be as follows, namely: -

The compulsory transfer from accessible area to remote area shall be made up to the limit of availability of vacancies in remote areas in the concerned cadre. The counting of eligible employees for such transfers shall be done in order of total service rendered in accessible area during the whole service period, i.e., such employees who have completed more than 04 years posting in accessible area or whose total service in accessible area during the whole service period has been more than 10 years and who do not fall under any exemption shall be identified for transfer upto the limit of availability of vacancies in remote areas of concerned cadre by placing them in descending order according to their total period of posting in accessible area."

5. The provision clearly states that counting of eligible employees for transfer shall be done in order of total service



rendered in accessible place during the whole service period, i.e., such employee who have completed more than 04 years posting in accessible area or whose total service in accessible area during the whole service period has been more than 10 years.

6. In the instant case, the Department has transferred the petitioner for the reason that he had completed more than 04 years of posting in accessible area. The provision does not state that only the period at a specified accessible place has to be counted but it is the whole service period which is relevant. The attachment of the petitioner at the Directorate, i.e. at the same place, while interim order was in operation in writ petition filed by Rajiv Mohan Sharma, would therefore, also count while reckoning the total service rendered at an accessible place. Therefore, we find no force in the submission of learned counsel for the petitioner that the petitioner had not rendered the prescribed 04 years period of service at an accessible area and, therefore, would not be covered by Section 8 of the Act.

7. As regards the second contention, we find that although the petitioner has mentioned name of certain employees and the duration of their service at accessible



areas but it has not been stated anywhere in the writ petition that what action has been taken by the State Government in relation to the said Officers. As such, we also do not find any force in the second submission.

8. Moreover, transfer is an exigency of service. The petitioner, who has already completed maximum period of service at an accessible place, does not have any equity in his favour.

9. Consequently, we decline to interfere with the transfer order. Writ petition is, accordingly, dismissed.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 08.07.2026

Rajni