



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

WRIT PETITION (S/B) No. 424 of 2026

09th July, 2026

Dr. Kamal Kant Yadav

-----Petitioner

Versus

State of Uttarakhand and others

----Respondents

Presence:-

Mr. Yogesh Kumar Pacholia and Mr. Sagar Malara, learned counsel for the petitioner.

Mr. J.C. Pande, learned Standing Counsel and Mr. S.M.S. Mehta, learned Standing Counsel for the State.

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

1. The petitioner is holding the post of Veterinary Officer in the Animal Husbandary Department of the State Government. He is aggrieved by his transfer from Veterinary Hospital Gowardhan, District Haridwar to Veterinary Hospital, Rampur, District Rudraprayag vide order dated 30.06.2026, passed by the Directorate, Animal Husbandry Department, Government of Uttarakhand, Dehradun.

2. The case of the petitioner is that he was elected as President of the District Unit of Uttarakhand State Veterinary Service Association, Haridwar on 11.05.2026. To evidence the said fact, the petitioner has brought on record the certificate issued by the Chief Veterinary Officer, who is *ex-officio* patron of the District Unit of the Association. The



petitioner, on account of being Office bearer of the Association, claims exemption from transfer under Section 17(2)(d) of the Act.

3. Counsel for the parties do not dispute that identical controversy was considered by this Court yesterday in WPSB Nos.419 of 2026, and the petitioner of the said case who was also elected as President of District Unit, Pauri of the Association was permitted to make representation to the Department and it was further provided that till the representation is decided the transfer order would remain in abeyance. The order is as follows:-

1. The petitioner is a Veterinary Officer in the Animal Husbandry Department. He is aggrieved by his transfer from Intensive Poultry Development Project (IPDP) Kotdwar to Veterinary Hospital, Reethakhal, District Pauri Garhwal.

2. The case of the petitioner is that he was elected as President of District Pauri of the Uttarakhand State Veterinary Service Association in the election held on 12.05.2025. The term of newly elected committee is two years. Section 17(2)(d) of the Uttarakhand Annual Transfer for Public Servants Act, 2017 (for short hereinafter referred to as "the Act"), exempts elected officer bearers of recognized service organizations of government servants from annual transfers. The petitioner has also placed reliance on a communication dated 03rd November, 2025 whereby the State Government reiterated that the office bearers of recognized service organizations would be exempted from annual transfers in terms of Section 17(2)(d) of the Act. Reliance has also been placed on the Annual Transfer Policy dated 06th October, 2025, in Paragraph No.4 whereof, once again the same position has been reiterated.

3. Learned State Counsel has placed on record the instructions received from the Directorate. It is submitted by learned State Counsel that under the Rules of the Association, District Level Committee of which the petitioner claims to be elected President is not contemplated. According to him, only Regional Level Committee is envisaged and, therefore, the petitioner cannot be extended the benefit of Section 17(2)(d) of the Act.



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4. We have examined the Rules of the Association and, prima facie, the submission does not appear to be correct. The Rules contemplate for a Union at level comprising of various office bearers. The Rules also specifically provide for the manner, in which, the Union is to be constituted and it provides that, apart from President and other office bearers, there would be one representative from the District Level Committee, who would be the member of the Executive Body.

5. In such a situation, we dispose of the present writ petition with liberty to the petitioner to make representation before the Department within a week from today and further provide that the said representation shall be decided by the competent authority within the next two weeks. For a period of three weeks, the effect and operation of the impugned transfer order shall remain in abeyance and, thereafter, it shall abide by the decision that would be taken by the competent authority on the representation of the petitioner.

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

4. In view of the above, the present writ petition is also disposed of in same terms.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 09.07.2026
KKS/PP