



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 457 OF 2026

23RD JULY, 2026

Dinesh Pratap Singh Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. S.S. Yadav, learned counsel

Counsel for the respondents : Mr. Mohinder Singh Bisht, learned
Brief Holder for the State /
respondent Nos. 1 to 3

The Court made the following:

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

1) The case is listed under the caption "Fresh Cases as Defective". The defect, as pointed out by the Registry, being negligible, is hereby ignored.

2) The present writ petition has been filed questioning inaction on part of the authorities in not considering the request of the petitioner for his transfer from the present place of posting i.e. as Professor at Government Degree College, Pokhari Quili, District Tehri Garhwal to Dehradun city, Raipur, Dakpatthar or Bhupatwala.

3) The State Government by an order dated 22.10.2024 inflicted punishment of censure upon the



petitioner and by the same order also transferred him from Government P.G. College, Maldevta Raipur, Dehradun to the present place of posting i.e. Government P.G. College, Pokhari Quili, Tehri Garhwal. The petitioner assailed the order of his transfer in Writ Petition (S/B) No. 688 of 2024, but the said writ petition was dismissed by this Court by order dated 13.03.2026. During the annual transfer chain, the petitioner applied for his transfer to any of the aforesaid stated places. His name finds place at serial No. 1 in the eligibility list. The eligibility list also reveals that the petitioner has completed 15 years 02 months 28 days of service at remote places. Since, however, the respondents have not accepted the request of the petitioner for transfer to an accessible place, therefore, the present writ petition has been filed.

4) Learned counsel for the petitioner submits that the petitioner was entitled to be transferred to an accessible area as he had completed more than 10 years of service during his service tenure at remote places. In this regard reliance has been placed on Section 10(b) of the Transfer Act, 2017.

5) Learned State counsel, on the other hand, submits that the petitioner has only rendered 01 year 07



months 07 days of service at the present place of posting and, therefore, his request for transfer to an accessible place has not been considered. He further places reliance on Section 17(2)(c) in contending that the petitioner could not have been transferred to an accessible place before expiry of 05 years.

6) Section 17(2)(c) of the Uttarakhand Annual Transfer For Public Servants Act, 2017, is as follows :

“Transfers on administrative ground shall not be made from accessible to accessible place/area and such employee shall not be posted again in that district/place before expiry of 05 years in any circumstances.”

7) As the posting of the petitioner is at a remote place, though on administrative ground, therefore Section 17(2)(c) would not strictly apply to his case. On the other hand, Section 10(b) provides as follows :

“If any employee is working for less than 03 years at their present place of posting but have served in remote area during whole service period for more than 10 years, shall be compulsorily transferred from remote area to accessible area. To determine such period, the proviso of definition of remote area mentioned in Appendix specified under section 3 shall be taken into consideration:



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Provided that while counting this period only such period shall be counted during which the employee was actually working in the remote area, if he is attached to accessible area, then period of attachment in accessible area and the period of leave excess to one month in a year shall not be counted for the purpose of calculating the period of posting in remote area.”

- 8) In view of the above, we permit the petitioner to make representation before the authorities within one week along with true copy of the instant order and further provide that the representation shall be decided by the competent authority within next two weeks.
- 9) The writ petition stands ordered accordingly.
- 10) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 23RD JULY, 2026
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