



2026:UHC:782-DB

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

Special Appeal No.453 of 2025

11 February, 2026

Devendra Singh

-----Appellant

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Jitendra Chaudhary, learned counsel for the appellant.
Mr. Puran Singh Bisht, learned Addl. C.S.C. along with Mr. Sachin Mohan Singh, learned Brief Holder for the State of Uttarakhand.

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

1. The present intra-court appeal is directed against the order of learned Single Judge dated 17.12.2025 in WPSS No.1312 of 2024 wherein the appellant had challenged an order dated 12.07.2024 passed by respondent no.3 directing the petitioner to forthwith join at the place of transfer i.e. District Jail Pauri pursuant to transfer order dated 10.06.2018 and then only his salary would be paid.

2. The case of the petitioner was that he is suffering from epilepsy, which is covered under the definition of "Serious Patient" under Section 3 (d) of the Uttarakhand Annual Transfer for Public Servants



Act, 2017 (hereinafter referred to as "The Transfer Act, 2017").

3. The petitioner was transferred from Roorkee Jail to Pauri Jail in the year 2018. However, he continued at Roorkee on the basis of various orders of attachment passed in his favour. Subsequently, on 12.07.2024, the order was passed by respondent no.3 directing the appellant/petitioner to join at Pauri Jail failing which his salary would not be paid. The said order was subjected to challenge by the petitioner before the writ court.

4. The writ court taking notice of the fact that the petitioner had succeeded in continuing at Roorkee for more than six years on the basis of the orders of attachment and the legal position that a transfer is an incident of service declined to interfere in the matter.

5. Learned counsel for the appellant submits that the petitioner is suffering from epilepsy, which is serious disease as per Section 3(d) of the Transfer Act, 2017. He submits that in terms of Section 17(1)(b) of Transfer Act, 2017 after compulsory transfer under Clause (a) of the said Section, the Transfer Committee was obliged to consider the transfer of employees eligible for transfer on the basis of request in the order given thereunder.



6. The first class which deserved consideration was that of serious patients and since the petitioner is a serious patient, therefore, his case should have been considered sympathetically. However, respondent no.3 passed the order impugned in the writ petition directing the petitioner to join at the place of transfer without considering his representation.

7. Learned Single Judge by order impugned while declining to interfere with the order under challenge in the writ petition granted liberty to the petitioner to approach the competent authority by making representation and which would be dealt with within six weeks.

8. Learned counsel for the appellant states that the appellant has joined at Pauri in pursuance of the direction given by the writ court and since the order of the writ court has been challenged in special appeal, therefore, the appellant has not filed any representation so far. He seeks liberty to file the representation and prays for direction to the respondents to decide the same within a specified time frame.

9. Having regard to the peculiar facts of the instant case, we permit the petitioner to make representation within a week and provide that in the



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event any such representation is made, the same shall be decided by the Transfer Committee in terms of Section 17(1)(b) of the Transfer Act, 2017 within three weeks.

10. The appeal stands disposed of accordingly.

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

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 11.02.2026

SS

SUKHBANT SINGH

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