IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 3357 of 2019.
Date of Decision : December 23, 2020.

Karnail Singh ...Petitioner.

Versus

State of H.P. & Another ...Respondents.

Coram:

The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1] *No.*

For the petitioner : Mr. Devender K. Sharma, Advocate.

For the respondents : Mr. Ashok Sharma, A.G. with Mr. Adarsh Sharma & Ms. Rita Goswami, Addl. A.Gs.

COURT PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Anoop Chitkara, Judge (oral).

The petitioner, who is a Trained Graduate Teacher (Non-Medical), has come up before this Court seeking his transfer under Clause 16.1 of the Com Guiding Principles, 2013, on the ground that he has been serving in Tribal Area w.e.f. 27.1.2014. In this regard, the petitioner had also represented to the second respondent.

2. On 11th December, 2019, this Court had observed that since in the writ petition the petitioner had sought his transfer to any of the five stations mentioned therein despite that the petitioner was not

[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

transferred and had directed the State to have instructions whether he could be adjusted against one of the said vacancies or not.

3. As a squeal to the said order, on 31.12.2019, the State imparted instructions revealing that none of the said posts was lying vacant. On this the petitioner took time to find out any other post lying vacant with a longer stay.

4. Now the matter has been posted on an application, CMP No. 13900 of 2020, filed by the petitioner for early hearing, in which he contends that a post of Trained Graduate Teacher (Non-Medical) is going to fall vacant at Government Middle School, Takhnar u/c Government Senior Secondary School, Bhali, District Kangra, H.P. Learned counsel for the petitioner has also handed over the office order, which mentions that the incumbent at Sl. No.234 Shri Kewal Singh, who was posted as TGT (Non-Medical, in Government Middle School Takhnar u/c Government Senior Secondary School, Bhali, District Kangra, H.P., has been promoted as Head Master, vide office order dated 17th December, 2020.

5. Considering the undisputed fact that the petitioner has been serving in the Hard area w.e.f. 27.1.2014 for a period more than six years against the normal stay of two winters and three summers, we direct the respondents to consider transferring the petitioner as TGT (Non-Medical) to Government Middle School Takhnar u/c Government Senior Secondary School, Bhali, District Kangra, H.P., with effect from the date, the present incumbent Mr. Kewal Singh, who has been

promoted vide order dated 17th December, 2020 and his name find mention at Sl. No.234 of the said order is relieved. Such order be passed without any further delay.

6. Given above, the writ petition is allowed in the aforesaid terms. Pending application(s), if any, are closed.

Copy Dasti.

(L. Narayana Swamy)
Chief Justice.

(Anoop Chitkara),
Judge

December 23, 2020 (ps)