IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPs No. 4888 of 2020 a/w
CWP No. 5213 of 2020
Date of Decision: 24.12.2020

1. CWP No. 4888 of 2020
Kuldeep Sharma .....Petitioner.

Versus

State of H.P. & ors. ……Respondents

2. CWP No. 5213 of 2020
Abhishek Chauhan .....Petitioner.

Versus

State of H.P. & ors. ……Respondents

Coram
The Hon'ble Mr. Justice Sureshwar Thakur, Judge.
The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.

Whether approved for reporting?[1]

For the petitioner(s): Mr. Adarsh K. Vashisht, Advocate for the petitioner in CWP No. 4888 of 2020.

Mr. G.R. Palsra, Advocate, for the petitioner in CWP No. 5213 of 2020.

For the respondents : Mr. Ashwani Sharma, Addl. AG, for respondents No. 1 and 2 in both the petitions.

Mr. G.R. Palsra, Advocate, for respondent No. 3 in CWP No. 4888 of 2020.

Mr. Adarsh K. Vashisht, Advocate for respondent No. 3 in CWP No. 5213 of 2020.

(Through Video Conferencing)

Sureshwar Thakur, Judge (oral)

Through, CWP No. 4888 of 2020, the writ petitioner, one Kuldeep Sharma, challenges the impugned transfer order, dated 26.10.2020, borne in Annexure P-1,

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

whereas, through CWP No. 5213 of 2020, one Abhishek Chauhan, seeks, a, mandamus, upon, the respondents, for the latter, taking his joining at the station, referred to in the afore impugned Annexure. Since, both the writ petitions, arise from a common notification, hence, both are amenable, for a common verdict, becoming made thereon(s).

2. The trite fulcrum, of, the contention, raised by the learned counsel, appearing on behalf of the petitioner, one Kuldeep Sharma, in his, casting a challenge, to, the validity, of, impugned transfer order, is, rested, upon the factum, qua his earlier to the impugned transfer order, serving for about twelve years, in hard and sub cadre area, thereupon, his being unamenable for becoming posted in similar thereto station(s). However, the afore contention is stripped, of, its efficacy and of its vigor, in the light of the reply affidavit, meted thereto, hence by the respondents concerned. Furthermore, since one Kuldeep Sharma, has already completed the prescribed tenure of more than three years, at the station concerned, and, when the afore factum is combined with the factum, that the petitioner has never served in a hard and sub cadre area, during, the span of his twelve years in service, under the respondents concerned, hence, he does not hold, any lawful ground, for resisting the impugned transfer order.

3. The sequel of the afore discussion is that, there is no merit in Kuldeep Sharma's case, i.e. CWP No. 4888 of 2020 and the same is accordingly dismissed. Moreover, the further sequel thereof is that, the respondents concerned, are directed to, ensure the taking, of, joining of one Abhishek Chauhan, petitioner in CWP No. 5213 of 2020, after ensuring his relieving, from the earlier thereto station(s).

4. In view of the above, both the writ petitions are disposed of, so also pending applications, if any.

(Sureshwar Thakur)
Judge

(Chander Bhusan Barowalia)
Judge

24th December, 2020
(raman/CS)