IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 5526 of 2020

Decided on: 02.12.2020

Subhash Chand …Petitioner

Versus

The State of H.P. and others …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]

For the petitioner: Mr. Anil Kumar, Advocate.

For the respondents: Mr. Ashok Sharma, Advocate General, with Mr. Adarsh K. Sharma, Ms. Ritta Goswami and Mr. Nand Lal Thakur, Additional Advocates General.

(Through Video Conferencing)

L. Narayana Swamy, Chief Justice. *(Oral)*

By way of the instant writ petition, the petitioner, a Forest Guard, has invoked the jurisdiction of this Court seeking quashment of impugned transfer order,

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

dated 17th November, 2020 (Annexure P-1), whereby he has been transferred from I/C Golwan Beat, Pandol Block, Lad-Bharol Range of Jogindernagar Forest Division to Choura Beat, Magroo Block, Magroo Range of Karsog Forest Division.

2. The submission of the learned counsel for the petitioner is that the transfer of the petitioner has been effectuated on the basis of a DO Note and in violation of Clause 5.5 of the Transfer Policy, since he has to retire within a period of less than two years.

3. In view of the above, without expressing any opinion of the merits of the case, the writ petition is disposed of with liberty to the petitioner to file a representation before the competent authority within a period of one week and the competent authority is directed to consider and decide the same within a further period of two weeks. Till the disposal of the representation, the petitioner may avail the leave of kind due, if he so desires.

4. Pending miscellaneous applications, if any, are also disposed of accordingly.

(L. Narayana Swamy)
Chief Justice

(Anoop Chitkara)
Judge

December 02, 2020
(rajni)