IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 6186 of 2020
Date of Decision: December 23, 2020

Vikram Singh ...Petitioner

Versus

State of H.P. & 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] *No.*

For the petitioner : Mr. Virbahadur Verma, 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 working as Trained Graduate Teacher (Non-Medical) in Government Middle School Pat u/c Government Senior Secondary School, Kashapat, District Shimla, H.P., has come up before this Court seeking his transfer from Hard/sub-cadre area to one of the stations of his choice, as per clause 16.1 of the Comprehensive Guiding Principles-2013, issued by the State Government, which provides that the normal tenure of stay of posting in Most Difficult/Difficult/ Tribal/Hard areas shall be two winters and three summers. In this regard,

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

the petitioner has already made a representation to the second respondent, which is still pending.

2. Notice. Mr. Adarsh Sharma, learned Additional Advocate General appears and accepts service of notice on behalf of the respondents.

3. In view of the nature of the order, we propose to pass, no response is required from the respondents.

4. Consequently, this petition is disposed of with liberty to the petitioner to make a fresh representation to the respondent/authorities concerned giving five stations of his choice, which must be spread in more than one district, within one week from today, in the light of clause 16.1 read with clause 16.5 of the transfer policy. On receipt of such representation, the respondent/authorities shall decide the representation of the petitioner, in the light of the transfer policy occupying the field, within two weeks. It is clarified that while deciding the representation of the petitioner the respondents shall consider the stations of choice of the petitioner as mentioned in his representation, subject to the condition that the incumbents posted there have completed their normal tenure of posting, in accordance with the transfer policy. In case none of them have completed the normal tenure then the office of the respondent/authorities shall get in touch with the petitioner

apprising him of vacant stations where the incumbents have completed their normal tenure and the possible places where the petitioner can be posted. Pending application(s), if any, are closed.

(L. Narayana Swamy),
Chief Justice.

(Anoop Chitkara),
Judge.

December 23, 2020(ps)