

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No.372 of 2024

Bhajan Singh Chauhan

.....Petitioner

Versus

Excise Commissioner, State of U.K.

.....Respondents

Presence:-

Mr. Sandeep Kothari, learned counsel for the petitioner.

*Mr. Rajiv S. Bisht, learned Addl. CSC with Mr. B.S. Koranga,
learned B.H. for the State.*

Hon'ble Pankaj Purohit, J. (Oral)

By means of this writ petition, petitioner has challenged the transfer order dated 26.02.2024, Annexure-05 to the writ petition, whereby petitioner has been transferred from the post of Sub Inspector, Excise Pharmacy, Dehradun to the office of M/s Sarthak Bottling Plant Pvt. Ltd., Haridwar.

2. Heard learned counsel for the parties.

3. It is submitted by learned counsel for the petitioner that in the garb of guidelines issued by the Election Commission of India, petitioner has wrongly been transferred. It is further contended that on 30.01.2024, petitioner was transferred from Sector-II Dehradun to Sector-1 Tehri Garhwal, but on the same day, the said order was cancelled and he was transferred to Pharmacy, Dehradun against the vacant post. Now, by the impugned order, he has again been transferred to a bottling plant at Haridwar.

4. The instructions were sought from the State as to why petitioner is treated in this manner by transferring him within a period of one month from the previous order. On instructions dated 13.03.2024, it is

submitted by learned State Counsel that petitioner has been transferred pursuant to guidelines dated 21.12.2023, which are applicable on petitioner also. Attention of this Court was drawn to Clause 5.4 which reads as under: -

“5.4 Prohibition and Excise Officers- Further, these instructions shall also be applicable to the officers of the Prohibition and Excise Department of the State of the rank of Sub-Inspector and above.

5. It is submitted by learned State Counsel that from the above guidelines, a person who is posted in the home district, he should be immediately transferred as per the guidelines of the Election Commission of India, as reflected in Clause 3 of the Guidelines.

6. Having considered the arguments made by learned Counsel for the parties and having gone through the guidelines, this Court does not find any infirmity in the impugned transfer order, inasmuch as, the same is passed consequent to the guidelines of the Election Commission of India dated 21.12.2023. Moreover, it is also in the opinion of this Court that the transfer for every pretext may not be interfered with as the same is done in exigency of service, and there is nothing adverse in the transfer order.

7. The writ petition lacks merit and the same is, accordingly, dismissed. No order as to costs. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)
19.03.2024