



2024:UHC:6548-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPSB No. 579 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mr. Yogesh Pacholia, Advocate for the petitioner.</p> <p>2. Mr. G.S. Negi, Additional Chief Standing Counsel for the State of Uttarakhand.</p> <p>3. Petitioner was posted as Chief Veterinary Officer at Haridwar. He has been transferred to Pithoragarh as Chief Veterinary Officer, vide order dated 30.08.2024. Thus, feeling aggrieved, petitioner has filed this writ petition, challenging his transfer.</p> <p>3. Learned counsel for petitioner submits that petitioner has not completed two years at Haridwar, therefore, he could not have been transferred to Pithoragarh, which is a durgam place. It is further his contention that petitioner in his option had indicated his choice only for two places i.e. Udham Singh Nagar and Nainital, however, he has been transferred to a different place, other than the places indicated in his option. He also submits that impugned transfer is in violation of Section 7(a) of the Transfer Act, 2017.</p> <p>4. <i>Per contra</i>, learned State Counsel submits that petitioner was transferred on promotion to Haridwar, vide order dated 22.07.2022. He</p>



		<p>submits that total period for which petitioner served at sugam place, is 16 years 6 months and 19 days; while, the services rendered by him in durgam places is only 11 years, therefore, as per provisions of the Transfer Act, he was liable to be transferred to a durgam Place. He, further submits that as the Chief Veterinary Officer, petitioner holds administrative position, as he would be the head of the office at Pithoragarh, therefore, the plea that he has been transferred to a durgam place is unsustainable, as every district headquarter is categorised as accessible.</p> <p>5. Petitioner's counsel submits that one Dr. Sapna Mishra, who is posted as Joint Director in District Udham Singh Nagar has not been disturbed, although she has served in the same district for more than five years.</p> <p>6. Law is well settled that transfer is an incidence of service. Petitioner holds a transferable post, therefore, interference with transfer order has to be minimal. However, having regard to the facts of the case, writ petition is disposed of with liberty to petitioner to make representation to the transferring Authority, within 48 hours. It shall be open to petitioner to make representation through e-mail. If petitioner makes representation within stipulated time, then Transferring Authority shall consider petitioner's request, as per law, within ten days thereafter.</p>
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