IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 1582 of 2026.

Decided on : 1st October, 2026

Ashwani Kumar **...Petitioner.**

Versus

State of H.P. & Ors. ....**Respondents.**

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr. Aakash Thakur, Advocate.

For the respondents: Mr. L. N. Sharma, Additional Advocate General.

Jyotsna Rewal Dua, Judge.

Challenge in this petition has been laid to the notification dated 29.01.2026 (Annexure P-1) that transferred the petitioner from DFO (T) Jogindernagar to DFO, GIS & IT, office of CF (IT/GIS/MIS) Shimla, against vacant post, in public interest. Pursuant to the interim order dated 02.02.2026, petitioner is continuing at his current place of posting i.e. DFO Jogindernagar.

2. Transfer has been assailed primarily on the ground that the petitioner had completed just about 10 months at his current place of posting when he was transferred under the impugned notification. The petition also refers to certain instances of discharging of duties by the

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

petitioner, which petitioner apprehends might have triggered his transfer, as according to him, he had taken prompt and tough stand against certain illegal construction works over government forest land.

3. The respondents in their reply have not disputed petitioner's short tenure of around 10 months at the current place of posting. The defence taken is that petitioner being holder of a Class-I post can be transferred without letting him complete his tenure of three years and that normal stay of three years of an official at one station is not applicable to Class-I and Class-II officers.

4. There is no doubt that transfer is the prerogative of the employer and petitioner is a Class-I HFS Officer, yet, the respondents have not given any justification whatsoever in their reply for transferring the petitioner within a span of 10 months of his posting at his current place. Rather, the reply also indicates that an approved UO note dated 31.01.2026 (Annexure R-2) was received for cancellation of the impugned transfer order of the petitioner. The same has also been processed by the department and submitted to the competent authority for consideration. The inference being, there is no public interest in transfer of the petitioner from his current place of posting to the place under the impugned notification.

For the aforesaid reasons, the writ petition is allowed; the impugned notification (Annexure P-1) is quashed and set aside. The respondents shall, however, be at liberty to transfer the petitioner in accordance with law. Pending applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

1st October, 2026.
(jai)