IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2517 of 2025

Decided on: 5th November, 2026

Gulab Singh **.....Petitioner**

Versus

State of H.P. and another **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. C.D. Negi, Advocate.

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

Jyotsna Rewal Dua, Judge

Petitioner is serving as Superintendent Grade-II in the respondent-Education Department. Under office order dated 24.07.2024, he was transferred from GSSS Tangling, District Kinnaur to GSSS (Boys) Una, District Una against vacancy. Petitioner preferred a representation on 09.09.2024 (Annexure P-2), giving five stations of his choice all in District Kinnaur, where he requested for his adjustment, also invoking Clause 5.4 of the transfer policy that extends benefit to couples in State Government

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[1] **Whether reporters of print and electronic media may be allowed to see the order? Yes.**

employment, *inter alia,* stating therein that his wife was also in State Government employment.

2. Respondent No.2 rejected petitioner's representation on 31.12.2024 primarily taking note of his continued stay at GSSS Tangling w.e.f. June, 2020, as also petitioner's long service in the office of BEEO Kalpa, District Kinnaur w.e.f. September, 2003 to 31.05.2020. Respondent No.2 also held out in the order dated 31.12.2024 that petitioner belongs to State Cadre and therefore, liable to be posted in other parts of the State. For these reasons, petitioner's transfer from GSSS Tangling, District Kinnaur to GSSS (Boys) Una, District Una was affirmed. Feeling aggrieved, petitioner has instituted this writ petition.

Pursuant to the interim order passed on 21.02.2025, petitioner is continuing to serve at his present place of posting.

3. Learned counsel for the petitioner submits that petitioner is now left with about one year and four months to superannuate. Petitioner's reliance upon Clauses 16.1 and 5.4 of the applicable transfer policy (Comprehensive Guiding Principles-2013) may be justifiable, however, a fact has also to be taken into consideration that while furnishing his representation, petitioner had given five

stations for his adjustment, all being in District Kinnaur, whereas, in terms of the said clause, petitioner is required to give five stations belonging to minimum two districts. This position is admitted by learned counsel for the petitioner.

4. In view of above, this writ petition is disposed of reserving liberty to the petitioner to prefer a representation to respondent No.2, seeking his adjustment/posting/ transfer in accordance with law, strictly in consonance with Clause 16.1 of the applicable transfer policy, i.e. by giving five stations falling under minimum two districts, within two weeks from today, whereafter, the same shall be considered and decided by the said authority in accordance with law, keeping in view the applicable transfer policy, within two weeks thereafter.

Till such time, the petitioner shall be permitted to continue at his current place of posting. It is, however, clarified that in case the petitioner does not represent in the aforesaid manner, the protection granted to him under this order shall stand vacated.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 05, 2026
Mukesh