IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.20058 2026

Decided on: 05.11.2026

Dr. Anurag Vijay Vargiya ....Petitioner

Versus

State of HP and Ors. ...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

[1] *Whether approved for reporting?*

For the petitioner: Mr. Vishwa Bhushan, Advocate.

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

Jyotsna Rewal Dua, Judge

Notice. Mr. L.N. Sharma, learned Additional Advocate General, accepts service of notice on behalf of the respondents.

2. Petitioner is serving as Sub Divisional AYUSH Ayurvedic Medical Officer in Respondent-Health Department. His grievance is to the notification dated 25.09.2026 (annexure P-12) that transfers him from his current posting on deployment at RAH Chhota Shimla to SDAMO Kheurik, District Lahaul & Spiti against vacant post.

---

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

3. Transfer has been assailed primarily on the ground that petitioner is due to retire in October 2027. Petitioner having crossed the age of 55 years is entitled to the benefit of Clause 16.1 of the applicable transfer policy and thus cannot be posted in hard/tribal/difficult areas. Additionally, it has been put forth for the petitioner that his wife is working as Lecturer (Political Science) and posted as such at GSSS Neen, District Shimla, therefore petitioner is also entitled to protection of Clause 5.4 of the transfer policy, that grants concessions to the couples in employment of the State Government.

Learned counsel for the petitioner invites attention to representation dated 11.10.2026 (P-14) and subsequent representations appended therewith. Learned counsel for the petitioner points that petitioner was relieved from his present place of posting on 28.09.2026, but has not joined at the transferred place.

4. Keeping in view the facts projected by the petitioner in his representations, Annexure P-14 (colly), it is deemed appropriate to dispose of this writ petition with direction to respondent No. 1/ competent authority to

consider and decide the aforesaid representations within ten days from today, that is by or before **16.11.2026**. The representation be positively decided by the given date. Till such time, petitioner shall not be compelled to join at the transferred station which is hard/tribal/difficult area keeping in view petitioner's impending retirement on 31.10.2027. Petitioner shall be at liberty to avail leave of the kind due. Order so passed be also communicated to the petitioner.

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

Jyotsna Rewal Dua
Judge

November 5, 2026
R.Atal