IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

HON'BLE THE ACTING CHIEF JUSTICE SRI MANOJ KUMAR TIWARI
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (S/B) NO. 44 OF 2025

2ND NOVEMBER, 2026

Sunil Kumar Gupta ..... Petitioner

Versus

State of Uttarakhand and others ..... Respondents

Counsel for the petitioner	:	Mr. Yogesh Kumar Pacholia, learned counsel
Counsel for the respondents	:	Mr. Gajendra Tripathi, learned Standing Counsel with Mr. M.S. Bisht, learned Brief Holder for the State

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Tiwari, A.C.J.)

1) The petitioner is serving as Senior Veterinary Officer under the State Government. Earlier he was posted at Veterinary Hospital, Natwaad, District Uttarkashi between 22.07.2010 to 09.08.2022 and, he was thereafter transferred to Veterinary Hospital, Vikasnagar, Dehradun, where he joined on 10.08.2022. Petitioner was again transferred from Veterinary Hospital, Vikasnagar to Veterinary Hospital, Pokhri, District Chamoli vide order dated 13.02.2025. Thus, feeling aggrieved, petitioner approached this Court challenging his

transfer and also challenging the stipulation that his transfer was made on administrative ground.

2) Learned counsel for the petitioner contended that since there is no complaint or adverse material against the petitioner, therefore, his transfer could not have been made on administrative ground. It is further contended that petitioner has served for 15 long years in different veterinary hospitals in Uttarkashi, all of which are classified as 'Durgam' places and, he served at Vikasnagar for less than 02 years, therefore, he could not have been re-transferred to Chamoli by the impugned order. Learned counsel drew attention of the Court towards Section 18(5) of the Uttarakhand Annual Transfer For Public Servants Act, 2017 (for short hereinafter referred to as 'the Transfer Act'). The procedure of Posting on Appointment / Promotions and other Transfer is provided under Section 18 of the Transfer Act. Section 18(5) is extracted hereunder :

> "18(5) The competent authority may issue posting/ transfer orders besides the transfer to be made as per clause (1) to (4) aforesaid in separate and different period also and it shall not be necessary to bring such cases before the transfer committee:
>
> Provided that on transfers made on administrative grounds the competent authority shall have to take approval from the one rank higher officer."

3) It is contended by learned counsel for the petitioner that the transfer is violative of Section 18(5) of the Transfer Act, inasmuch as, the approval from one rank

higher officer has also not been obtained while transferring the petitioner on administrative ground. It is further contended that as per the Transfer Act, transfers made annually after 30th of June, also require approval from the one rank higher officer, but such approval was not obtained in the case of the petitioner.

4) Learned State Counsel submits that the charge against the petitioner was that he is not operating ultrasound machine and is not conducting X-rays on X-ray unit, even though the machines for that purpose are available at Veterinary Hospital, Vikasnagar. The other charge against the petitioner was that he is not obeying the instructions issued by the superior officers.

5) Learned counsel for the petitioner submits that X-ray machine is out of order since long and petitioner had requested the Chief Veterinary Officer to get the machines repaired. He further submits that the Chief Veterinary Officer, Dehradun referred the letters written by the petitioner to the Director, Animal Husbandry, Government of Uttarakhand on 07.03.2025.

6) Learned counsel for the petitioner refers to the documents enclosed as Annexure-6 to the counter-affidavit filed on behalf of State Government in support of his

contention that substantial numbers of surgeries were conducted by petitioner in March 2025 alone.

7) We find substance in the submission made by learned counsel that petitioner's transfer was made on administrative ground without taking approval from the one rank higher officer which was a condition precedent as provided in the Proviso contained in Section 18(5) of the Transfer Act. On this ground alone, we are inclined to interfere with the impugned transfer order.

8) Accordingly, the writ petition succeeds and the impugned transfer order dated 13.02.2025 is hereby set aside.

9) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 2ND NOVEMBER, 2026
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