HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE ACTING CHIEF JUSTICE MR. MANOJ KUMAR TIWARI

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

November 02, 2026

Writ Petition (S/B) No.147 of 2025

Shailendra Singh ----Petitioner

Versus

State of Uttarakhand & Others ----Respondents

Presence:-

Mr. Aditya Singh, learned counsel for the petitioner

Mr. Ranjan Ghildiyal, learned Standing Counsel for the State

Mr. M.C. Kandpal, learned Senior Counsel assisted by Mr. Devesh Kandpal, learned counsel for respondent no.5

The Court made the following:

JUDGMENT: **(per Hon'ble Justice Sri Manoj Kumar Tiwari, A.C.J.)**

1. Petitioner is serving as Assistant Cane Commissioner and was posted in the office of Sugar and Cane Commissioner, Headquarter, Kashipur, Udham Singh Nagar since 07.02.2024. By order dated 25.04.2025, he was transferred as Assistant Cane Commissioner, Rudrapur, Udham Singh Nagar. After five days, said order was modified and petitioner was re-transferred in the office of Sugar and Cane Commissioner, Headquarter, Kashipur, Udham Singh Nagar, vide order dated 30.04.2025. This order is challenged by the petitioner in this writ petition.

2. Petitioner has challenged the impugned order dated 30.04.2025 mainly on the ground that another order could not have been passed within five days of the earlier transfer order dated 25.04.2025.

3. Learned State Counsel, however, submits that since petitioner is a permanent resident of Tehsil Jaspur, District Udham Singh Nagar, therefore, as per Transfer Policy, he could not have been posted as Assistant Cane Commissioner in the same district i.e. Udham Singh Nagar.

4. Learned counsel for the petitioner submits that there are four sanctioned posts of Assistant Cane Commissioner, namely, Udham Singh Nagar, Haridwar, Dehradun and Headquarter, Kashipur.

5. Mr. M.C. Kandpal, learned Senior Counsel appearing for respondent no.5 supports the submission made by learned counsel for the petitioner that there are only two persons, who are regularly promoted as Assistant Cane Commissioner and the other two positions of Assistant Cane Commissioner are manned by officiating appointment.

6. Having regard to the fact that petitioner belongs to Jaspur, District Udham Singh Nagar, and as per Transfer Policy, Class II Officer cannot be posted in their home district, we decline to interfere with the order dated 30.04.2025,

whereby petitioner was brought back from Udham Singh Nagar to the Headquarter, Kashipur. We, however, dispose of the writ petition with a direction to the Cane Commissioner to consider transferring the petitioner to any of the districts where post of Assistant Cane Commissioner is lying vacant. We hope and expect that necessary orders shall be passed within 15 days.

7. Interim order dated 16.05.2025 is vacated. Only for a period of 15 days, *status quo* as regards petitioner's posting shall be maintained.

MANOJ KUMAR TIWARI, A.C.J.

SUBHASH UPADHYAY, J.

Dt: 02.11.2026

Rajni