SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	UKHC010097582024 2026:UHC:9627-DB COURT'S OR JUDGES'S ORDERS
	26.10.2026		WPSB No. 345 of 2024 **Hira Ballabh Joshi** .....**Petitioner** **Vs.** **State of Uttarakhand & others** .....**Respondents** **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Dushyant Mainali and Mr. Nikhil Bhatt, learned counsel for the petitioner. 2. Mr. J.C. Pande, learned Standing Counsel for the State. 3. Mr. Amar Murti Shukla, learned counsel for respondent no.5. 4. Petitioner was serving as Inspector in Department of Food, Civil Supplies and Consumer Affairs. By means of this writ petition, he has sought the following reliefs:- *"i. Issue a writ of certiorari quashing the impugned transfer order dated 16.03.2024, whereby the respondent no.5 has been transferred as District Supply Officer, Udham Singh Nagar even before the completion of the statutory period of five years from the date of his transfer on administrative grounds, from the same place on 17.12.2020, in utter derogation of the provisions of the Uttarakhand Annual Transfer for Public Servants Act, 2017,* ***(annexed to Annexureno.1 of the writ petition)****.* *ii. Issue a writ of certiorari, quashing the impugned order dated 18.09.2023, whereby a direction for constitution of a re-inquiry committee comprising of the respondent no.5 has been passed without any reasoning and to set aside the entire consequential proceedings conducted and findings if any, arrived by the committee so constituted* ***(annexed at Annexure No.13 to the writ petition)*** *iii. Issue a writ, order or direction in the nature of mandamus, commanding and directing the Respondent no.1 to refrain from transferring/ posting/ attaching the respondent no.5 in District Udham Singh Nagar in any capacity before the completion of five years as provided under section 17(2)(c) of Uttarakhand Annual Transfer for Public Servants Act, 2017".* 5. It is not in dispute that petitioner retired from service before filing of writ petition. In the writ petition, he challenged order dated 16.03.2024, whereby respondent

			no.5 was brought back to District Udham Singh Nagar as District Supply Officer. Petitioner expressed apprehension that respondent no.5 as District Supply Officer happens to be a Member of re-inquiry committee and the conduct of respondent no.5 itself was subject matter of earlier inquiry and he was found guilty by Inquiry Officer, therefore, respondent no.5 would misuse his position and falsely implicate the petitioner in re-inquiry. 6. Mr. Amar Murti Shukla, learned counsel for respondent no.5, however, submits that order of transfer passed in respect of respondent no.5, dated 16.03.2024 was modified and respondent no.5 was, thereafter, transferred to Haridwar as District Supply Officer, therefore, apprehension expressed by the petitioner in writ petition, is without any basis. 7. Since order of transfer *qua* respondent no.5 was modified and he has been transferred to Haridwar as District Supply Officer, therefore, we dispose of writ petition with a direction to respondent no.3- Commissioner, Kumaon Division to take decision on the departmental appeal filed by petitioner against punishment order as per law within two months from the date of receipt of certified copy of this order. 8. Pending application, if any, also stands disposed of. **(Subhash Upadhyay, J.)** **(Manoj Kumar Tiwari, A.C.J.)** **26.10.2026** **26.10.2026** NISHANT NISHANT KUMAR