

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****LPA No.212 of 2026****Date of Decision:- 20.04.2026**

Manoj Kumar		Appellant
	Versus	
State of Himachal Pradesh and others		Respondents

*Coram****The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice******The Hon'ble Mr. Justice, Bipin Chander Negi, Judge***

Whether approved for reporting?¹

For the Appellant : Mr. Vishwa Bhushan, Advocate.

For the Respondents : Mr. Arsh Rattan, Deputy Advocate
General, for respondents No.1 to
2-State.

G.S. Sandhawalia, Chief Justice (Oral).

Consideration in the present Letters Patent Appeal is sought to the order passed by the learned Single Judge in **CWP No.4527 of 2026** titled **Manoj Kumar Vs. The State of Himachal Pradesh and others**, decided on 06.04.2026, whereby the learned Single Judge has declined to interfere in the transfer order dated 31.03.2026 (**Annexure P-2**).

2. Vide said order dated 31.03.2026 (**Annexure P-2**), the appellant has been transferred to Baddi, Barotiwala Nalagarh Development Authority, EPIP Phase-I Harmajri, Baddi, Himachal

¹ Whether reporters of Local Papers may be allowed to see the judgment?



Pradesh while working as a Joint Controller vice the private respondent.

3. The exception taken to the order dated 06.04.2026, passed by the learned Single Judge is that the order was at the behest of the private respondent. However, the learned Single Judge chose not to interfere, keeping in view the fact that since the month of April, 2015 except for a stint of about one year when he was posted at Shimla, the writ petitioner-appellant had been posted in and around Mandi/Ner-Chowk or Sundernagar and therefore having served within the radius of 25 kilometers for almost a decade he cannot assail the transfer order moving him out of the said area.

4. Counsel for the appellant submits that the reply was not called for and therefore the State should have been asked to justify whether the transfer order was passed at the behest of the private respondent as there was no TA given to the private respondent, whereas the same was admissible to the petitioner-appellant.

5. A perusal of the writ petition would go on to show that the petitioner himself had averred that he had joined in the year 2008 as Section Officer (F&A) in the office of Deputy Director Higher Education, Hamirpur and thereafter transferred in



2012 to IGP Office, Central Range Mandi. In 2013 he was sent to the office of Deputy Director Higher Education, Hamirpur and in the same year again to the office of Deputy Director Education, Mandi. Thereafter, the appellant-petitioner was transferred in the year 2014 on his promotion as Assistant Controller (F&A) to the office of Deputy Commissioner Nahan, District Sirmour. In April, 2015 he was transferred to Chief Medical Office, District Mandi as Assistant Controller (F&A) and in March, 2018 to SLBS Medical College, Nerchowk, District Mandi and transferred to Deputy Commissioner Office, District Mandi as Assistant Controller (F&A) in the month of August, 2018. In July, 2019 he was transferred to Chief Medical Office, Mandi District Mandi as Assistant Controller (F&A) and in June, 2020 to Sardar Patel University, Mandi on his promotion as Deputy Controller (F&A). In the year 2024, the petitioner-appellant was transferred to Shimla Jal Prabandhan Nigam Limited at Shimla on his promotion as Joint Controller (F&A) and on 31.01.2025 he was transferred to the present place of posting i.e. Directorate of Technical Education, Sundernagar, District Mandi, Himachal Pradesh as Joint Controller (F&A).

6. In such circumstances, it is apparent that way-back in 2013 he had been posted at District Mandi and has repeatedly



remained there and now is posted as Joint Controller (F&A) Directorate of Technical Education, Sundernagar.

7. In such circumstances, the learned Single Judge has declined to interfere in the transfer order. Thus, the petitioner, in such circumstances cannot have any grouse against the D.O. letter in favour of the private respondent as apparently he has also been consistently in Mandi District.

8. It is not disputed that if the malafides are not alleged against any official, the transfer orders are not liable to be interfered with. The learned Single has kept in mind the principles of equity as such while declining to interfere in the order of transfer dated 31.03.2026 (**Annexure P-2**). Thus, we do not find any plausible reasons to take a contrary view, keeping in view the peculiar facts and circumstances as detailed above.

9. Resultantly, the present appeal stands dismissed accordingly. Pending miscellaneous application(s) if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

20th April, 2026

(Munish Thakur)