

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3841 of 2025

Date of Decision: 19.03.2025

Sudesh KaushalPetitioner

Versus

State of Himachal Pradesh and others
... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Rupesh Kumar, Proxy Counsel vice Mr. Mandeep Chandel, Advocate.

For the Respondents: Mr. Ravi Chauhan, Deputy Advocate General.

Sandeep Sharma, Judge(oral):

Petitioner herein, who is working as TGT (Medical) at Government Senior Secondary School, Gadakufri, District Shimla, Himachal Pradesh since 18.02.2022 has approached this Court in the instant proceedings, seeking therein direction to the respondents to consider and decide her representation, praying therein to transfer her to one of the stations of her choice.

2. Precisely, the grouse of the petitioner as has been highlighted in the petition and further canvassed by Mr. Rupesh Kumar, learned proxy counsel representing the petitioner, is that though petitioner has already completed her normal tenure of posting

¹Whether the reporters of the local papers may be allowed to see the judgment?

at present place of posting, but yet her prayer for transfer to some other station has not been considered.

3. Having regard to the nature of prayer made in the instant petition and order proposed to be passed, this Court sees no necessity to call for the reply on behalf of the respondents, who are otherwise represented by Mr. Ravi Chauhan, learned Deputy Advocate General. Learned Deputy Advocate General fairly states that representation, if any, pending shall be decided in accordance with law.

4. Careful perusal of the averments contained in the petition, which is duly supported by an affidavit, this Court finds that petitioner herein was appointed as TGT(Medical) on 18.02.2022 on contract basis and thereafter, her services were regularized vide order dated 12.07.2024 in the same school, meaning thereby since 18.02.2022 petitioner has been working at one station.

5. Though, Mr. Ravi Chauhan, learned Deputy Advocate General attempted to argue that services rendered by the petitioner on contract basis cannot be taken into consideration, while calculating period of normal tenure of posting, but having taken note of transfer policy, this Court is persuaded to agree with learned counsel for the petitioner that same does not make any distinction between employees working on contract or regular basis, rather normal tenure

of posting of an employee at one station has been prescribed as three years, if it is so, representation filed by the petitioner for transfer deserves to be considered by competent authority.

6. Consequently, in view of the above, this Court without going into the merits of the case, deems it fit to dispose of the present petition with a direction to the respondents to consider and decide the pending representation (Annexure P-3) of the petitioner expeditiously, preferably within a period of three weeks. Ordered accordingly. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner and pass detailed order thereupon taking note of transfer policy, which admittedly provides for transfer of an employee after completion of normal tenure of posting. Liberty is reserved to the petitioner to file appropriate proceedings in appropriate court of law, if she still remains aggrieved. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

March 19, 2025
(shankar)