

Bharat Bhushan v. State of Himachal Pradesh and others

CWP No. 7131 of 2023

29.9.2023 Present: Mr.Ashwani Sharma, Advocate, for the petitioner.
Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Ravi Chauhan, Deputy Advocates General, for the State.

CWP No. 7131 of 2023 & CMP No.13545 of 2023

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel for the petitioner is that since petitioner has already served in a hard area for more than eight years, he could not have been transferred again to the hard area and as such, has approached this Court in the instant proceedings, laying therein challenge to order dated 26.9.2023 (Annexure P-1), whereby petitioner has been ordered to be transferred from CH Jawali to Community Health Centre Nichar District Kinnaur, against the vacant post.

While putting in appearance on behalf of the respondents, Mr. B.C. Verma, learned Additional Advocate General, states that petitioner has worked at the present place of posting for more than eight years.

No doubt, having taken note of the longest stay of the petitioner at the present place of posting, department is well within its right to transfer the petitioner, but not again to a hard area, especially when he has already served in the hard area. Learned Additional Advocate General prays for and is granted two weeks' time to file reply.

In the meantime, operation and execution of the transfer order dated 26.9.2023 (Annexure P-1) shall remain stayed.

List on 17.10.2023.

September 29, 2023
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**(Sandeep Sharma),
Judge**