

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.7131 of 2025

Date of Decision: 24.11.2025

Bharat Bhushan

.....Petitioner

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. Ashwani Kumar Sharma, Advocate.

For the Respondents: Mr. Vishal Panwar, Additional Advocate General with Mr. Ravi Chauhan, Deputy Advocate General.

Sandeep Sharma, Judge(oral):

Petitioner herein, who at present is working as Pharmacy Officer at CH Jawali, District Kangra, Himachal Pradesh, is aggrieved of order dated 26.09.2023 passed by Director Health Services, Himachal Pradesh, whereby he has been transferred from afore station to CHC, Nichar, District Kinnaur, Himachal Pradesh against vacant post on administrative grounds.

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Ashwani Kumar Sharma, learned counsel representing the petitioner, is that though petitioner has already served in hard/tribal area for more than eight years, but yet he has been against transferred to hard/tribal area

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

vide impugned transfer order in violation of transfer policy formulated by the Government of Himachal Pradesh.

3. Pursuant to the notices issued in the instant proceedings, respondent-State has filed reply, wherein it has been not disputed that in past petitioner has already worked for more than eight years in hard/tribal area, rather attempt has been made to defeat the rightful claim of the petitioner on the pretext that he is posted at present place of posting for more than ten years. Since, it is not in dispute, rather stands admitted that petitioner has already worked in hard/tribal area for more than eight years, there was no occasion, if any, for the respondents to transfer him to CHC, Nichar, District Kinnaur, which admittedly falls in hard/tribal area.

4. True it is that petitioner has already completed his normal tenure of posting at present place of posting, but while transferring him from afore station to other station, respondents were expected to take note of his previous posting in hard/tribal area. In the event of his requirement to be transferred from present place of posting, he definitely could not have been transferred to hard/tribal area, rather should have been posted at some other station.

5. Repeatedly, this Court has been advising the respondents to ensure that person, who has already served in hard/tribal area, is not posted again in hard/tribal area, rather such of

the employees, who have never worked in the hard/tribal area, should be transferred to hard/tribal area, but yet employees, who have already worked in hard/tribal area are being repeatedly transferred to hard/tribal area on the ground of administrative exigencies/public interest, whereas persons, who have political connection, are avoiding their posting in hard/tribal area.

6. Though, at this stage, Mr. Ravi Chauhan, learned Deputy Advocate General, submitted that taking note of observations made by this Court in earlier petition, notification/ instructions already stands issued to the competent authority for doing the needful strictly in terms of observations made by this Court. If it is so, there was otherwise no occasion for the respondents to transfer the petitioner from present place of posting to CHC Nichar, District Kinnaur. Be that as it may, once petitioner has completed normal tenure of posting at present place of posting, he is required to be transferred, coupled with the fact that pursuant to stay granted by this Court vide order dated 29.09.2023, petitioner is still working at the same station, though, respondents are at liberty to transfer the petitioner to any station, but definitely not in hard/tribal area.

7. Consequently, in view of the above, the present petition is allowed and impugned transfer order dated 26.09.2023 is quashed and set-aside, reserving liberty to the respondents to transfer the

petitioner to any station, save and except hard/tribal area. Interim order dated 29.09.2023 is vacated. Pending applications, if any, also stand disposed of.

**(Sandeep Sharma),
Judge**

November 24, 2025
(shankar)