

**Sabeer Mohamad and others versus State of
H.P. and others**

CWPOA No.5718 of 2019

24.12.2025 Present: Mr. Rajesh Kumar, Advocate, for the petitioner.
Mr. Navlesh Verma, Additional Advocate General for the respondents-State.

CMP-T No.614 of 2025

Upon listing of this application on 17.11.2025, State Authorities were directed to file reply to the application and in the meanwhile, interim orders staying the transfer and the relieving orders were passed.

2. Pursuant to the issuance of notice, the State Authorities have filed the reply to the application.

3. Para 5 of the Reply-Affidavit indicates that on 03.11.2025 [*Annexure R-2/III*], the Respondent No.4-Secretary, State Transport Authority, Shimla had accorded approval for transfer of the appellant-Kulveer from the office of the Regional Transport Office Bilaspur to the office of Regional Transport Office Solan against vacancy.

4. Para 6 of the Reply-Affidavit indicates that the transfer orders were passed by the outsourcing agency-NIELIT on 06.11.2025, being the Service Provider of the said Data Entry Operator. It is averred in the Reply-Affidavit that since, the petitioner was appointed by an outsourcing agency therefore, he was transferred on 06.11.2025.

5. The collective reading of the Reply-Affidavit especially Paras 5 & 6 indicates that the transfer orders dated 06.05.2015 were in fact issued after according approval by the Respondent No.4-Secretary State Transport Authority, Shimla on 03.11.2025 [*Annexure R-2/III, Annexure X*] with the application. Since respondent No.4 being official of the State Government has shown indulgence for transfer which led to the issuance of transfer order, therefore, it does not lies in the mouth of the State Authorities, to oppose the application on the plea that the State Authorities have no role in the matter.

6. In these circumstances, the interim orders dated 17.11.2025 are made absolute.

Application stands disposed of.

CWPOA No.5718 of 2018

The disposal of application No. CMP-T No.614 of 2025 shall not confer any right on the petitioner for seeking regularization, except in accordance with the Recruitment and Promotion Rules and the policy, if any.

At the joint request of Learned Counsel for the parties, list the matter in the week commencing from 6th April, 2026.

24th December, 2025
(himani]

(Ranjan Sharma)
Judge