

Dr.Sanjay Kumar vs State of H.P. and another

CWP No. 11368 of 2026

10.07.2026 Present: Mr. Shashwat Dadwal, Advocate, for the petitioner.

Mr. Ruchirangad, Advocate for respondent No. 1.

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Notice. Mr. Ruchirangad, learned Counsel, accepts notice on behalf of respondent No. 1. Issue separate notice to respondent No. 2, on taking steps within one week, returnable for 25.08.2026.

List on 25.08.2026. Reply by respondent No. 1, as prayed for, in the meanwhile.

CMP No. 16781 of 2026

Notice in above terms. Learned Counsel for the petitioner submits that the petitioner is 57 years old. In terms of the impugned transfer order, the petitioner stands transferred from the Department of Tea Husbandary and Technology of Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalaya, Palampur, to RSS Lari, in District Lahaul and Spiti, which is a Tribal area.

Learned Counsel for the petitioner has referred to the transfer policy of the respondent-University (Annexure P-5), dated 17.08.2015 and by referring to Clause 12 thereof, he submitted that category "E" thereof defines difficult area and Spiti has been defined as one of the most difficult area. He further submitted that there is a sub

Clause in Clause 12 and in terms of this clause, notwithstanding anything contained in these principles, the University teachers/employees who have crossed fifty five years of age are exempted from posting in “C”, “D” & “E” categories of stations except on promotion. He submitted that in light of the fact that the petitioner has not been transferred on promotion and as he has crossed the age of 55 years, the impugned transfer order qua the petitioner is in violation of the transfer policy of the University.

Having heard learned Counsel for the petitioner, as this Court is of the considered view that *prima facie*, learned Counsel for the petitioner has made a case for the grant of stay, therefore, till further orders, operation of the impugned transfer order qua the petitioner is stayed. Respondents are directed to continue to serve at Palampur *de hors* he stands relieved or not and similarly, the private respondent is directed to serve at the station where he was serving before the passing of the impugned transfer order.

(Ajay Mohan Goel)
Judge

July 10, 2026
(narender)