

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 16260/2026
Decided on: 17.09.2026

Gulab Chand

.....Petitioner

Versus

State of H.P. and Ors.

.....Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the petitioner: Mr. Jagat Pal, Advocate.

For the respondents: Ms. Menka Raj Chauhan, Deputy Advocate
General.

Jyotsna Rewal Dua, Judge

Ms. Menka Raj Chauhan, learned Deputy Advocate
General, accepts notice on behalf of the respondents.

2. Petitioner is working as driver in the respondent-
department. He instituted ***Gulab Chand Vs. State of H.P. & Ors²***.
seeking direction to the respondents to decide his representation
requesting his transfer from HPPWD (B&R) Division Chenab Val-
ley, Udaipur, District Lahaul & Spiti. The writ petition was disposed
of on 13.03.2026 with direction to the respondents/competent au-
thority to decide petitioner's representation, in light of the aver-
ments made therein, within a time-bound schedule.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

² CWP No. 2951/2026 decided on 13.03.2026

Petitioner's instant grievance is against the office order dated 18.04.2026 passed by respondent No.2 pursuant to the aforesaid directions, whereby petitioner's representation was rejected. As per the consideration order, the petitioner has not completed his normal tenure of three years at the present place of posting and can be transferred to a place of his preference only on completion of the normal tenure, i.e. two winters and three summers, in the difficult/tribal area where he is presently posted.

3. Learned counsel for the petitioner submits that the petitioner has already crossed 56 years of age. Therefore, considering his case only upon completion of two winters and three summers would be a redundant exercise, as the petitioner would retire by that time. Learned counsel further submits that, in terms of Clause 16.1 of the applicable Transfer Policy, incumbents who have crossed the age of 55 years should not ordinarily be posted in tribal/hard/remote areas; Clause 5.5 of the Transfer Policy also provides concession, inter alia, to employees belonging to Categories III & IV who are likely to superannuate within two years by posting them at convenient places as far as possible.

4. Keeping in view the aforesaid facts, the relevant provisions of the applicable Transfer Policy, this writ petition is disposed of by reserving liberty to the petitioner to prefer a representation to respondent No.2 seeking his transfer. In case such representation is made within one week, the same shall be decided by respondent No.2/competent

authority, in accordance with law, keeping in view the facts and circumstances of the case as also the applicable clauses of the Transfer Policy, within two weeks thereafter. Copy of the order so passed be also communicated to the petitioner. The petition to accordingly stand disposed of. Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

17th September, 2026
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