

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

CWP No.17271 of 2025
Date of Decision: 6.11.2025

Dr. Deep Kumar**.....Petitioner****Versus****State of Himachal Pradesh and Ors.****.....Respondents****Coram****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?****For the Petitioner:** Mr. Sanjeev Kumar Motta, Advocate.**For the respondents:** Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol, Additional Advocate General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.**Sandeep Sharma, J.** *(Oral)*

Petitioner herein, who at present is working as Medical Officer Specialist in Radiotherapy Department at Shri Lal Bahadur Shastri Government Medical College and Hospital Nerchowk, District Mandi, Himachal Pradesh, is aggrieved of order dated 31.10.2025 (Annexure P-2), whereby he has been transferred from afore station to the office of Director Health Services Himachal Pradesh

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel for the petitioner is that impugned transfer order is in violation of transfer policy. He states that petitioner has not been permitted to complete normal tenure at present place of posting and person, who has been transferred in his place, is not competent to be transferred



against the post for the reason that he is newly appointed Medical Officer, whereas a Specialist is required to be posted at present place of posting. Besides above, ground of couple case has also been taken by the petitioner.

3. Having regard to the nature of order proposed to be passed in the instant proceedings, this Court sees no necessity to call for reply from the respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General. Mr. Kahol, states that petitioner has already completed normal tenure of posting and he otherwise being medical officer can be posted anywhere in the State as per requirement.

4. Having carefully perused averments made in the petition, which is duly supported by an affidavit, this Court finds that petitioner has already worked for more than two years and three months at present place of posting and as such, he cannot be permitted to state that he has not been permitted to complete normal tenure of posting, however, having taken note of the fact that wife of the petitioner is also working as clerk at SDM Balh, District Mandi, Himachal Pradesh, this Court, without going in to the merits of the case, deems it fit to dispose of the same, reserving liberty to the petitioner to file representation within two days, praying therein for his adjustment/transfer at a convenient place, which in turn shall be decided by the competent authority expeditiously, preferably, within



ten days. Ordered accordingly. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner and pass a speaking order taking note of transfer policy, which certainly enables an employee to seek transfer on the ground of couple case. Till the time, representation, if any filed within two days is decided by the competent authority, petitioner shall not be compelled to join at the transferred station. Pending applications, if any, also stand disposed of.

November 6, 2025

(manjit)

**(Sandeep Sharma),
Judge**