



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17687 of 2025

Date of Decision: 27.11.2025

Vishal Singh

.....Petitioner

Versus

State of Himachal Pradesh & Anr.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Vinay Sharma, Advocate.

For the respondents: Mr. Rajan Kahol, Mr. Vishal Panwar, Additional Advocates General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents-State.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, who at present is working as Constable in Police Department, is aggrieved by order dated 04.11.2025 (Annexure P-1), issued by the Director General of Police, Himachal Pradesh, whereby he has been transferred from Dehra to Lahaul & Spiti, Himachal Pradesh.

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Vinay Sharma, learned counsel representing the petitioner, is that the impugned transfer order is in violation of the Transfer Policy because petitioner has not been allowed to complete his normal



tenure and his transfer has been effected on the basis of DO Note issued by the MLA of Dehra constituency.

3. Having taken note of contentions raised on behalf of the petitioner, this Court passed order dated 13.11.2025, thereby calling upon learned Additional Advocate General to have instructions.

4. Pursuant to afore directions, Director General of Police has filed an affidavit, specifically stating therein that petitioner's transfer from Dehra to Lahaul & Spiti, Himachal Pradesh, has been ordered on administrative grounds, and no DO Note alleged to have been issued by the former MLA of the Dehra constituency has been issued. It has been averred in the reply that petitioner has remained posted in District Kangra and Police District Dehra since 25.09.2018 till date. Besides above, petitioner has never served hard/tribal area.

5. Though Mr. Vinay Sharma, learned counsel for the petitioner, attempted to argue that Dehra does not fall within District Kangra and that is a separate district, as such, service rendered by the petitioner in that district cannot be clubbed with the service rendered in District Kangra, however, this Court is not impressed with the aforesaid submission of Mr. Sharma,



since in judgment rendered by Division Bench of this Court in Cr.WP No.12 of 2024, titled as **Ravi Vs. State of H.P. & Ors.**, it came to be clarified that even the State may have taken a decision to declare police Districts Baddi, Nurpur and Dehra to be independent Police Districts for law and order purpose, but for the purpose of posting and transfers they would, for all intents and purposes, be treated to be belonging to the revenue police districts i.e. revenue District Solan or revenue District Kangra, as the case may be.

6. Mr. Vinay Sharma, learned counsel for the petitioner, further argued that prior to posting of the petitioner at Dehra, Cadre of Constable was District Cadre, as a consequence thereof, he was otherwise required to be posted in District Kangra itself. Though there is no dispute with regard to aforesaid submission of Mr. Sharma, but it is also not in dispute that now cadre of Constable is a State cadre, as a result thereof, Constables can be posted in any part of the State.

7. Since petitioner has already served in District Kangra for more than seven years, coupled with the fact that he has never served in tribal area, this Court sees no reason to interfere with the impugned transfer order, as such, same is upheld.



However, having taken note of the adverse family circumstances as came to be apprised to this Court during proceedings of the case, this Court deems it fit to dispose of the present petition reserving liberty to the petitioner to file representation to the competent authority for his adjustment at a convenient station within two days, which shall be decided by the competent authority within four days thereafter. Needless to say, authority concerned, while doing the needful, in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass appropriate orders taking note of Transfer Policy formulated by the Government of Himachal Pradesh, which certainly enables an employee to seek transfer/adjustment on account of adverse family circumstances. Till the time, representation, as detailed herein above, is not decided, in terms of instant order, petitioner shall not be compelled to join at transferred station in terms of impugned transfer order. Pending applications, if any, stand disposed of.

November 27, 2025
(sunil)

(Sandeep Sharma),
Judge