

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18067 of 2025

Date of Decision: 28.11.2025

Ashutosh Awasthi

.....Petitioner

Versus

State of H.P. and others

....Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Surinder Saklani, Advocate.

For the Respondents: Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocate Generals, for respondent Nos. 1 and 2.

Mr. Onkar Jairath, Advocate, for respondent No.3.

Sandeep Sharma, Judge (oral):

Petitioner herein, who at present is working as Assistant Mining Inspector at Sub Division Sujanpur, District Hamirpur, Himachal Pradesh, is aggrieved of order dated 19.11.2025 (Annexure P-11), whereby he has been transferred from afore station to the Office of Mining Officer, Solan, Himachal Pradesh, vice Mr. Jag Vishal Rana, respondent No.3.

2. At the time of issuing notice, it came to be submitted on behalf of the petitioner that he has been not permitted to complete his

¹ Whether the reporters of the local papers may be allowed to see the judgment?

normal tenure of posting at present place of posting, as a result thereof, this Court passed order dated 21.11.2025, thereby staying the operation of impugned transfer order with further direction to the respondents to file reply or have instructions.

3. Pursuant to the notices/ directions issued by this Court, Mr. Ravi Chauhan, learned Deputy Advocate General, has placed on record communication dated 27.11.2025, issued under the signatures of Geologist, Geological Wing, Department of Industries, Shimla, enclosing therewith certain documents, which are taken on record. Besides above, Mr. Onkar Jairath, Advocate has also put in appearance on behalf of respondent No.3.

4. Careful perusal of instructions made available to this Court reveals that petitioner has been working at Sujanpur for more than ten years and four months. Though, Mr. Surinder Saklani, learned counsel for the petitioner, attempted to argue that petitioner was posted at Sujanpur as Assistant Mining Inspector in the month of November, 2023, but he was unable to dispute that since his initial appointment as Mining Guard on contract basis vide order dated 10.07.2015, he remained posted at Sujanpur. Firstly, the petitioner was serving the department on contract basis and thereafter, his services were regularized. Even after regularization, petitioner was promoted to the post of Assistant Mining Inspector, but yet was given

posting at Sujanpur. Since it is quite apparent from the material brought on record by learned Deputy Advocate General that petitioner has already worked for more than 10 years at Sujanpur, there is no reason, if any, to interfere in the impugned transfer order.

5. However, having taken note of the fact that respondent No.3, off and on, has been managing his transfer and prior to his transfer at present place, he had already served at Sujanpur for more than 10 years, this Court is of the view that there was otherwise no occasion, if any, for the respondents to post respondent No.3 time and again at Sujanpur. It appears that respondent No.3 is well connected and has every time succeeded in managing his posting at the station of his choice.

6. In view of above, though this Court sees no reason to interfere in the impugned transfer order and as such, same is upheld, but respondents are directed to ensure that respondent No.3 is not given posting at Sujanpur, rather he may be posted at some other station. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),
Judge**

November 28, 2025
(shankar)