

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.18525 of 2025

Date of Decision: 26.11.2025

Dr. Prajul MehtaPetitioner
Versus

State of H.P. and anotherRespondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Vishwa Bhushan, 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.

Sandeep Sharma, Judge (oral):

Petitioner herein, who at present is working as a Medical Officer(Dermatology) at Civil Hospital, Theog, District Shimla, Himachal Pradesh, is aggrieved of order dated 16.09.2025 (Annexure P-4), whereby he has been transferred from afore station to IGMC, Shimla as Casualty Medical Officer against vacancy without TTA/JT, with immediate effect.

2. Precisely, the grouse of the petitioner as has been highlighted in the instant petition and further canvassed by Mr. Vishwa Bhushan, learned counsel for the petitioner, is that petitioner herein on account of his having expertise in skin could not have been

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

transferred and posted as a Casualty Medical Officer, rather ought to have been given posting in Dermatology Department, if required.

3. Having regard to the nature of prayer made in the instant petition and order proposed to be passed, this Court sees no necessity to call for the reply on behalf of the respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General. Mr. Kahol states that there is no illegality or infirmity in the impugned transfer order because same has been issued pursuant to the request made by the petitioner, whereby he himself requested for his posting at IGMC, Shimla against the vacant post available.

4. Having carefully perused the pleadings adduced on record by the petitioner, this Court finds that impugned transfer order has been issued on the request made by the petitioner. Vide communication dated nil (Annexure P-2), petitioner requested for his posting at IGMC, Shimla on deputation. However, respondents having taken note of vacancy, posted him at IGMC, Shimla in the Casualty Department. Since through afore representation, petitioner requested the respondents to depute/post him at IGMC, Shimla on account of his family problem, no illegality can be said to have been committed by the respondents, while passing the impugned transfer order.

5. However, having taken note of the fact that petitioner is MD in Dermatology, his services could have been better utilized in the Department of Dermatology, but ultimate decision in that regard is to be taken by the competent authority. Since impugned transfer order is on the request of the petitioner, this Court sees no reason to interfere in the same, but having taken note of the expertise of the petitioner, this Court without going into the merits of the case, deems it fit to dispose of the same, reserving liberty to the petitioner to file representation to the competent authority within a period of two days for his posting in relevant department, which in turn, shall be decided by the competent authority expeditiously, preferably within a period of one week. Ordered accordingly. 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 order. Till the time representation, if any, filed by the petitioner within period of two days, is not decided by the competent authority, petitioner shall be permitted to perform his duties at CH, Theog. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),
Judge**

November 26, 2025
(shankar)