

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Special Appeal Writ No. 512/2026

Pawan Kumar Talaich S/o Shri Gajanand Talaich, Aged About 54 Years, Resident Of Plot No.7 And 8, Block-D, Aditya Nagar, Neemuch Road, Pratapgarh, District Pratapgarh, Rajasthan, Pin Code 312605.

----Appellant

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Secretary And Commissioner, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.
4. Additional Commissioner And Joint Secretary-I, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.
5. Deputy Commissioner And Deputy Secretary-I, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.
6. Chief Executive Officer, Zila Parishad, Pratapgarh.
7. Development Officer, Panchayat Samiti Pratapgarh, District Pratapgarh.
8. Development Officer, Panchayat Samiti Chhoti Sadri, District Pratapgarh.

----Respondents

For Appellant(s)	:	Mr. Bhupendra Singh Bhati Mr. Jitendra Choudhary
For Respondent(s)	:	

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP SHAH
Order

06/05/2026

1. Issue notice, returnable on 24.07.2026.
2. Learned counsel for the appellant is granted liberty to serve through their nominated counsel.
3. Learned counsel for the appellant, inter alia, contends that the appellant is not aggrieved per se with the transfer orders, but under the garb of the same, his service conditions are likely to be

adversely affected. It is submitted that not only seniority but also other consequential adverse impacts may arise therefrom.

4. Learned counsel further submits that Rule 31 of the Rajasthan Scheduled Areas Subordinate, Ministerial and Class-IV Service (Recruitment and Other Service Conditions) Rules, 2014 contains a mandatory provision which envisages that an employee recruited in a Tribal Sub-Plan (TSP) area cannot be transferred to a Non-Tribal Sub-Plan (non-TSP) area, since separate cadres are maintained for both areas.

5. Rule 31, *ibid* is reproduced herein below for ready reference:

"Appointment to the service.- Appointment to post(s) in the Service by direct recruitment or by promotion, as the case may be, shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 25 in order of merit and by promotion from the persons selected under rule 29 of these rules. The persons so appointed shall be transferable from one place to the other within the Scheduled Areas irrespective of the place of appointment taking the entire Scheduled Area as a Unit i.e. the entire Scheduled Area shall be the closed cadre. When a person so appointed cannot be transferred out side this closed cadre in any capacity which also includes deputation & reverse deputation." (Emphasis is ours)

6. In view of the aforesaid, it *prima facie* appears that the appellant has been subjected to adverse consequences under the garb of transfer order, apart from violation of Rule 31, *supra*.

7. Accordingly, till the next date of hearing, the impugned transfer order dated 30.04.2025 qua the appellant shall remain stayed.

(SANDEEP SHAH),J

(ARUN MONGA),J