



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10255 of 2025

Date of Decision: 26.06.2025

Bharti Ratore

.....Petitioner

Versus

State of Himachal Pradesh & others

... Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹ Yes.

For the Petitioner: Mr. Tanuj Thakur, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol and Mr. B.C.Verma, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General, for the respondents/State.

Sandeep Sharma, Judge(oral):

Petitioner herein, who at present is working as TGT (Medical) at Government High School, Dhalog, District Chamba, Himachal Pradesh, is aggrieved of order dated 20.06.2025 (Annexure P-2), whereby she has been transferred from afore station to Government Senior Secondary School, Devikothi, District Chamba, 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 though petitioner has already served in Sub Cadre area w.e.f. 2006 to 2012, but yet vide order dated 20.06.2025,

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

she has been transferred to hard area i.e. Government Senior Secondary School, Devikothi, District Chamba, Himachal Pradesh. It is further averred in the petition that husband of the petitioner is working as Lecturer (Economics) at Government Senior Secondary School, Nagali, District Chamba, Himachal Pradesh and as such, she otherwise ought to have been given posting, if required, near Nagali.

3. Having regard to the nature of the prayer and order proposed to be passed, this Court sees no necessity to call for reply on behalf of the respondents, who are otherwise represented by Mr. Rajan Kahol, learned Additional Advocate General. Learned Additional Advocate General states that since petitioner has already completed normal tenure of posting at present place of posting, no illegality can be said to have been committed by the respondents, while passing impugned transfer order.

4. Having carefully perused the averments contained in the petition, which is duly supported by an affidavit, though this Court finds that petitioner herein has already completed normal tenure of posting at present place of posting, but grouse of the petitioner, as has been highlighted in the petition, is that she could not have been transferred to Government Senior Secondary School, Devikothi, District Chamba, Himachal Pradesh on account of the fact that w.e.f. 2006 to 2012, she has already served in sub cadre area. Transfer

policy formulated by the Government of Himachal Pradesh clearly reveals that every employee, during his life career, should be sent to sub cadre/hard/tribal area, but this Court has noticed in many cases that employees having good political relation and influence are hardly sent to hard/tribal area, and employees, who do not have any say in the corridors of Government, are repeatedly sent to hard/tribal areas, which results in heartburn. Once transfer policy itself provides for sending every government employee to sub cadre/hard/tribal area once in her/his service career, endeavour should be made by the Government to identify the employees, who have never served in hard/tribal areas, so that they are sent to such areas and employees, who have already completed their normal tenure of posting in sub cadre/hard/tribal area are relieved from such stations, so that every employee gets a chance to serve in hard/tribal areas and employees serving there are not made to serve for long periods.

5. True it is that in the case at hand, petitioner has already completed normal tenure at present place of posting and she has no vested right to remain posted at a particular station, but at least respondent-State should have taken due care, while choosing the station of posting of petitioner, keeping in view her earlier term in hard/tribal area coupled with the fact that her husband is also working in Government Senior Secondary School Nagali

6 Consequently, in view of the above, this Court without interfering in the impugned transfer order, deems it fit to dispose of the present petition, reserving liberty to the petitioner to file representation to the competent authority within a period of two days, praying therein for her adjustment at a convenient station on the ground of couple case, which shall be decided by the competent authority within a period of ten days thereafter, taking note of concessions available to couples and employees, having earlier served tribal/hard areas. 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 appropriate order. Till the time, representation, if filed by the petitioner within a period of two days, is not decided by the competent authority, petitioner shall not be compelled to join at the transferred station.

7. Mr. Rajan Khaol, learned Additional Advocate General is directed to make available copy of instant order/judgment to the Chief Secretary, Government of Himachal Pradesh, so that necessary guidelines are issued to all the Departments of the State to ensure that each and every employee is sent to sub cadre/hard/tribal area at least once in service career and persons/employees, who have already served in hard area, are not transferred time and again to

hard/tribal areas, to prevent unnecessary unrest amongst employees and the transfer policy does not remain merely paper. An authenticated copy of his order be supplied to Mr. Rajan Kahol, learned Additional Advocate General, for necessary compliance. Pending applications, if any, also stand disposed of.

8. Compliance of aforesaid order shall be placed on record by authority indicated hereinabove within a period of two weeks.

**(Sandeep Sharma),
Judge**

June 26, 2025
(shankar)