

(2018) 11 UK CK 0216

Uttarakhand High Court

Case No: Writ Petition (S/S) No. 2134 Of 2018

Smt. Madhu Saxena

APPELLANT

Vs

State Of Uttarakhand
& Others

RESPONDENT

Date of Decision: Nov. 26, 2018

Hon'ble Judges: Sudhanshu Dhulia, J

Bench: Single Bench

Advocate: Sanjay Bhatt, Akshay Latwal

Final Decision: Dismissed

Judgement

Sudhanshu Dhulia, J.

1. The petitioner is working as a Senior Assistant in the office of Minor Irrigation Division, Dehradun since 2006. Now she has been transferred from

Dehradun to Tehri vide order dated 07.06.2018. Hence, the petitioner has filed the present writ petition before this Court.

2. The case of the petitioner is that she is 56 years of age and therefore comes under the definition of a "senior employee" under the Uttarakhand

Annual Transfer for Public Servant Act, 2017 and the senior employee cannot be transferred from a "sugam area" to a "durgam area". This

may be so, but the petitioner has not been able to show anything before this Court, which may suggest that the petitioner has been transferred from

"sugam" to "durgam" area as there is nothing to show on record where the petitioner has been transferred (i.e. Tehri) is a "durgam

area".

3. Another contention of the petitioner is that there can be no transfer under the aforesaid Act from "sugam" to another "sugam area". This

contention is also not accepted as there is nothing in the Transfer Act which bars the State Government or the competent authority to transfer an

employee under the particular given contingency from "sugam" to another "sugam area" or from "durgam" to another "durgam

area". Although categories of transfer which are being given are generally from "sugam" to "durgam" and vice-versa and the third category

is transfer on the personal request, but there is no bar for the competent authority to transfer an employee from "sugam" to another "sugam

area". Therefore the contention of the petitioner fails.

4. In view of the above, the writ petition fails and it is hereby dismissed. The petitioner shall join her duties within 15 days from today, failing which the

State Authorities would be at liberty to initiate disciplinary proceedings against the petitioner.

5. Interim order dated 11.07.2018 stands vacated.