IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9537 of 2025
Date of Decision: 6.6.2025

Sarabjit Kumar

.....Petitioner

Versus

Himachal Road Transport Corporation and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Virender K. Sharma and Mr. Hakam Bhardwaj, Advocates.

For the respondents: Mr. Deepak Sharma, Advocate.

Sandeep Sharma, J. *(Oral)*

Petitioner herein, who at present is working as Conductor in Palampur Unit, Himachal Road Transport Corporation, is aggrieved of order dated 7.5.2025 (Annexure P-1), whereby petitioner has been transferred from afore place to Local Unit Shimla.

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 impugned transfer order has been passed is in violation of transfer policy because petitioner could not have been transferred on account of the fact that he is due to retire on 1.1.2026.

3. While putting in appearance on behalf of the respondents, Mr. Deepak Sharma, Advocate, states that petitioner has remained

posted in Palampur Unit for more than 14 years and as such, no illegality can be said to have been committed by the respondents while passing impugned transfer order. He fairly admits that in terms of transfer policy, which has been adopted by the Corporation, an employee nearing retirement is required to be posted at a station of his choice. He states that in case petitioner files representation to the competent authority, same shall be decided in accordance with law.

4. Consequently, in view of the above, this Court deems it fit to dispose of the present petition reserving liberty to the petitioner to file representation within two days to the competent authority, praying therein for cancellation/adjustment at a convenient station on account of the fact that he is to retire within two years. Ordered accordingly. The representation so filed shall be decided by the competent authority within ten days. 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 a speaking order thereupon taking note of transfer policy formulated by the Government of Himachal Pradesh, which certainly enables an employee to seek transfer/adjustment on account of his nearing retirement. Till the time representation is decided by the competent authority, petitioner shall not be compelled to join at the transferred station. Pending applications, if any, also stand disposed of.

June 6, 2025 **(Sandeep Sharma),**
(manjit) **Judge**