



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.667/2024.**  
**Date of Decision: 15<sup>th</sup> January, 2024.**

|                      |        |                   |
|----------------------|--------|-------------------|
| Ashwani Kumar        | Versus | .....Petitioner.  |
| State of H.P. & ors. |        | .....Respondents. |
| <i>Coram</i>         |        |                   |

***The Hon'ble Mr. Justice Bipin Chander Negi, Vacation Judge.***

***Whether approved for reporting?<sup>1</sup>***

|                      |   |
|----------------------|---|
| For the Petitioner:  | Mr. Narinder Thakur, Advocate.  |
| For the Respondents: | Mr. Anup Rattan, Advocate General with<br>Mr. Raj Kumar Negi and Ms. Sharmila Patial,<br>Addl. Advocates General. |

***Bipin Chander Negi, Vacation Judge (oral).***

The instant petition has been filed for the grant of following substantive reliefs:-

- "i. That any appropriate writ/order or direction in the nature of certiorari may kindly be issued and the impugned posting/transfer order dated 28.9.2023 at Annexure P-3 may kindly be quashed and set aside qua petitioner.***
- ii) That any appropriate writ/order or direction in the nature of mandamus may kindly be issued to decide the representation dated 20.10.2023 and the respondents may be directed to permit the petitioner to work as Inspector at 5<sup>th</sup> IRBn, Bassi District Bassi, Himachal Pradesh or in alternative may kindly be adjusted against vacant post of Inspector at 1<sup>st</sup> IRBN Bangarh, District Una."***

2. From a perusal of Annexure P-4, appended with the petition as Annexure P-4, it is evident that the Battalion Level Police Establishment Committee in its meeting held on 9.10.2023 have favourably recommended the case of the petitioner. A perusal whereof clearly reflects that they have recommended the cancellation of transfer order of the petitioner to SDRF and a further recommendation has been made

<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

that the petitioner be retained against the existing vacancy in his Battalion. The aforesaid recommendation was forwarded to the Additional Director General of Police, as is evident from Annexure P-4, specifically page-26 of the petition. Subsequent thereto, the petitioner made a representation dated 20.10.2023.

3. From the aforesaid attending facts and circumstances of the case, it is evident that the recommendation made by the Battalion Level Police Establishment Committee (Annexure P-4) is still under consideration before the respondents concerned/competent authority. The respondents concerned/competent authority are directed to dispose of the representation dated 20.10.2023 made by the petitioner in light of the recommendation of the Battalion Level Police Establishment Committee to be considered alongwith administrative exigency and public interest within a period of two weeks from today.

4. In view of above, the instant petition is disposed of in the aforesaid terms, so also the pending application(s), if any.

**(Bipin Chander Negi)**  
**Vacation Judge**

15<sup>th</sup> January, 2024  
(CS)