

ITEM NO.18                      Court 4 (Video Conferencing)                      SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9168/2020

(Arising out of impugned final judgment and order dated 22-07-2020 in CWP No. 1924/2020 passed by the High Court of Himachal Pradesh at Shimla)

JOHN GUPTA

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

Respondent(s)

(WITH I.R. and IA No.72285/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 10-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)    Mr. Sanjeev Bhushan, Sr. Adv.  
   Mr. Subhash Chandran K R, Adv.  
   Mr. Mohan Sharma, Adv.  
   Mr. Biju P Raman, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1        The petitioner, who is a class III employee, holding the post of Senior Assistant in the Himachal Pradesh Public Works Department was transferred from Karsog Division to Bharmour Division. His writ petition has been dismissed by the Division Bench of the Himachal Pradesh High Court.
- 2        We decline to interfere with the order of the High Court refusing to exercise judicial review in a matter relating to the transfer of a government employee since it is consistent with the legal position governing the field. However, this

will not preclude the petitioner, after he joins at the place of posting, to move a representation before the government.

- 3 The High Court in the concluding paragraph of its judgment has directed the lodging of a criminal case against the petitioner.
- 4 Mr Sanjeev Bhushan, learned senior counsel appearing on behalf of the petitioner, states that the direction contained in the concluding paragraph is unduly harsh since a reading of Annexure P-3 would indicate that there was no suppression of the memorandum by the petitioner.
- 5 Limited to the direction which is contained in paragraph 16 of the impugned judgment and order of the High Court for the lodging of a criminal case against the petitioner, issue notice, returnable in two weeks.
- 6 Liberty to serve the Standing Counsel for the State of Himachal Pradesh, in addition.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**