



GOVERNMENT OF JAMMU AND KASHMIR,  
FINANCE DEPARTMENT.

([www.jkdat.nic.in](http://www.jkdat.nic.in))

Subject:- SWP No. 2219/2013 titled Girdhari Lal Sharma vs State & others.

Government Order No. 182- F of 2014.

Dated. 31-07-2014.

Whereas, the petitioner, namely Shri Girdhari Lal Sharma was transferred as Accounts Officer from District Jail, Udhampur and posted as Treasury Officer Bani, District Kathua vide Government order No. 217-F of 2013 dated 08-10-2013;

2. Whereas, the petitioner filed a writ petition before the Hon'ble High court at Jammu and the Hon'ble Court directed as under:-

*"This petition is, thus, disposed of providing that the petition be treated as representation of the petitioner and respondents, in particular respondent No. 1, shall reconsider impugned transfer order vis a vis petitioner having regard to the Government Transfer Policy (supra) which provides, inter alia:*

**C. Tenure of Postings.**

1. The minimum tenure of a Government employee on a post shall be two years and a maximum of three years;
2. The maximum tenure of posting in respect of important projects which are required to be completed in a time bound manner, may be extended up to five years if continuation of any officer is considered necessary. Specific orders for retention of the officer in such cases beyond a period of three years shall be issued with the approval of the Minister Incharge and the reasons for the same shall be recorded.

*Till the matter is reconsidered by the respondents, present posting of the petitioner, that is, as Accounts Officer, District Jail, Udhampur shall be maintained."*

3. Whereas, the order of transfer issued vide Government order No. 217-F of 2013 dated 08-10-2013 was made with the approval of competent authority / Minister Incharge in view of exigency of service, taking into account the following aspects:-

- i) That the petitioner belongs to District Kathua and was suitably adjusted in his home district by transferring him from District Jail, Udhampur to Treasury Bani, Kathua.
- ii) That the services of the petitioner were required for the functioning of Treasury Bani and the said transfer order was therefore issued to fulfil the administrative needs.
- iii) That it is the prerogative of the Government to transfer its employees as per administrative needs keeping in view the requirements and exigencies, as and when demand arises.
- iv) That the Government is within its rights to post the employees anytime, anywhere, in the interest of administration and to the benefit of public service.
- v) That the transfer being an incidence of service and the same cannot be, therefore, claimed as a matter of right.
- vi) That the department has acted in this case in a suitable manner to meet up the demand by substituting the petitioner in place of the officer who was transferred and posted in the Civil Secretariat for undertaking specialized job of computerization of treasuries for which the said officer was holding required expertise.

4. Whereas, after examining the case of the petitioner, it has been found that the pleas put forth by the petitioner do not hold any merit in view of exigency involved in the matter and the averments made by the petitioner in the instant petition are, therefore, not tenable.

Therefore, in view of the above facts and circumstances, the case of the petitioner has been examined and considered in light of Court directions and found devoid of merit and without any justification hence rejected.

Sd/-

(B.B.Vyas)


Principal Secretary to Government,  
Finance Department.

No. DGAT/Legal/HCJ-247/PS/DR/575

Dated:- 31.07.2014.

Copy to the:-

1. Learned Advocate General, J&K State, Jammu for information.
2. Superintendent, District Jail, Udhampur for information and necessary action.
3. Sh. Girdhari Lal Sharma, S/o Late Sh. Amir Chand (Petitioner) R/O Billawar, Tehsil Billawar, District Kathua for information.
4. Government Order file (W2SC)
5. Main file.

  
(Altaf Hassan) 31/7/2014  
Director General,  
Accounts and Treasuries,  
Finance Department.