

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.1893 of 2026****Decided on: 20.03.2026**

Sh. Kamal Raj

... Petitioner

**Versus**

The State of Himachal Pradesh and others

... Respondents

**Coram****Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****Whether approved for reporting?<sup>1</sup>**

For the petitioner: Mr. Yuyutsu Singh Thakur, Advocate.

For the respondents: Mr. Pushpinder Jaswal, Additional Advocate General.

**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioner has, *inter alia*, prayed for the following relief:-

“(a) Issue a Writ of Certiorari and/or any other appropriate writ, order or direction quashing the impugned Office Order dated 12.02.2026 passed by the Superintending Engineer, Jail Shakti Circle, Bilaspur.”

2. The order under challenge is one, in terms whereof, the petitioner has been deputed temporarily to the Office of Jal Shakti Sub-Division, Swarghat, under Jal Shakti Division Jagatkhana, without any extra remuneration till further orders as a Stop Gap Arrangement due to exigency of work, on the ground that the Executive Engineer, Jagatkhana stated that there is a vacancy of the post of Complaint Clerk under Jal Shakti Sub-Division, Swarghat, which is not being properly attended to. Further, due to the annual fair of the famous holy temple 'Mata Naina Devi Ji', there is an

<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?



escalation of complaints to higher Authorities.

3. Learned Counsel for the petitioner argued that the order is arbitrary, for the reason that the only official who has been chosen by the Department for the said deputation is the petitioner, who is presently serving at Ghumarwin, whereas it is not the case that there is no other person available in or around Swarghat itself to do the said work. Learned Counsel further submitted that the petitioner is being disturbed arbitrarily without understanding and appreciating that as the deputation is without any extra remuneration and the petitioner is working as a Complaint Clerk, which is a Class-III post, he will have to make his own stay arrangements at Swarghat, which will entail expenses otherwise, he will have to travel to and fro to work and flows, which again entails expenses.

4. On the other hand, learned Additional Advocate General submits that this arrangement has been made temporarily, for the reasons which are spelled out in the impugned order and after approximately three months the petitioner will be brought back to his present place of posting.

5. This Court is of the considered view that without going into this aspect of the matter, as to whether the order passed is an exercise of colourable power or not, on the face of it, the order appears to be arbitrary. It is not understood, as to why a person is being deputed to Swarghat from a place which is 35 Kilometer away.



6. This Court can take judicial notice of the fact that there will be other Class-III employees available with the Jal Shakti Department, in and around Swarghat and more so, in and around Bilaspur, who can be easily deputed to perform the said work. Alternatively, the Department can depute persons from nearby area of Nalagarh also.

7. Therefore, as on the face of it, the order appears to be arbitrary, the same is quashed and set aside and the respondents are directed to allow the petitioner to continue to serve as a Complaint Clerk at his present place of posting, i.e. Jal Shakti Division, Ghumarwin and not send him on deputation to Swarghat.

8. The petition stands disposed of. Pending miscellaneous application(s), if any also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

March 20, 2026  
(Rishi)