**Before The Hon'ble High Court Of Hp At Shimla**

CWP No. : \_\_\_\_\_\_

Petitioner

Versus

Respondents

Reply on behalf of the respondent No. \_\_\_\_\_ to the Civil Writ Petition filed under Articles 226/227 of the Constitution of India

Respectfully Sheweth:

Preliminary Submissions/Objections:

1.  That the present writ petition is not maintainable at all.  No indefeasible right of the applicant has got infringed by the impugned order.  It is well-settled law by now that the transfer is a matter of administrative discretion and prerogative of the employer.  It is not a condition but an incidence of service and the administrative guidelines do not confer any legal or vested right in a Govt employee for challenging his or her transfer.  The law in this regard is well settled and reported in 1995 (4) SCT 225 & 1998 (3) SCC 303.  Therefore, the impugned transfer order is neither unauthorised nor without jurisdiction and nor malafide or violative of any statutory/mandatory rules and as such the same does not suffer from any vice and the impugned order was well within the prerogative of the respondent state, which is not liable to judicial scrutiny.  On the contrary, the applicant has not come with clean hands before this Hon'ble Court.  \_\_\_\_\_\_\_\_

2.  That no fundamental or constitutional right whatsoever of the petitioner has been infringed and as such the writ petition is not maintainable.  \_\_\_\_\_\_\_\_

Reply on Merits

1.  That the contents of this para of the Writ Petition are not denied to the extent that the petitioner is a citizen of India.  However, it is submitted that the petitioner is not entitled to file or maintain this writ petition before this Hon'ble Court.  \_\_\_\_\_\_\_\_

2.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

3.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

4.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

5.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

6.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

7.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

8.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

9.  That the contents of this para of the Writ Petition are wrong and denied.  \_\_

10. That the contents of this para of the Writ Petition are wrong and denied.  \_\_

11. That the contents of this para of the Writ Petition are wrong and denied.  \_\_

12. It is, therefore, most respectfully prayed that the writ petition is lacking of material substance and is false, frivolous and vexatious and this writ petition deserves to be dismissed and may be dismissed in the interest of justice with costs.

Shimla                                                              Replying Respondent No. \_\_\_\_\_\_

\_\_\_\_\_\_                                                            Through, Advocate

**BEFORE THE HON'BLE HIGH COURT OF HP AT SHIMLA**

CWP No.:  \_\_\_\_\_\_

Petitioner

Versus

Respondents

Affidavit in support of reply on behalf of the replying respondent No. \_\_\_\_\_ to the Writ Petition

I, \_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. That the accompanying reply has been drafted under my instructions.

2. That the contents of paras 1 to \_\_ of preliminary submissions and paras 1 to \_\_\_\_\_\_ of the reply on merits are correct and true to the best of my knowledge and contents of paras \_\_\_\_\_ to \_\_\_\_\_ are correct as per the legal advice.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed here at Shimla this \_\_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

C. W. P. No: \_\_\_\_\_\_

Petitioner

Versus

Respondents

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 Shimla                                                                          Petitioner

\_\_\_\_\_\_                                                                        Through, Advocate