

HIMACHAL PRADESH  
PUBLIC WORKS DEPARTMENT

**Whereas**, Sh. Bishambhar Dass, Sr.Asstt. while posted in HPPWD 5<sup>th</sup> Circle Palampur was transferred to HPPWD 2<sup>nd</sup> Mech. Circle Dharamshala in place of Sh. Sanjay Gupta, Sr.Asstt. vide this office order No.PWE-79-1-Sr.Asstt.Tr.23/ESI-8494-99 dated 29-09-2023 on the approval of competent authority conveyed vide U.O.No.Secy/CM-22013/2022-VIP-A-73091 dated 28.09.2023. Feeling aggrieved against these order Sh. Bishambhar Dass, Sr.Asstt. filed CWP No. 7280/2023 titled Bishambhar Dass Vs State of HP & Others which has finally been decided by the Hon'ble High Court on dated 07.03.2024 with the following orders:-

**2. Reply filed on behalf of official respondents reveals that none of these allegations have been specifically denied; rather the issuance of U.O. note has been admitted. With regarding to disability, lack of knowledge has been pleaded.**

**3. Comprehensive Guiding Principle-2013 makes a concession in favour of the persons having disability of 60% or more. In light of the reply of respondents No.1 and 2, admittedly, the disability of petitioner has not been taken into consideration before effecting his transfer. That being so, the impugned transfer order qua the petitioner needs to be quashed and set aside.**

**4. Accordingly, the impugned transfer order qua the petitioner is quashed and set aside with direction to the official respondents to reconsider the case of petitioner, keeping in view of his disability within two weeks from the date of passing of this order. Till the competent authority takes final decision, the petitioner shall not be disturbed from his present place of posting. Petition is accordingly disposed of,so also the pending applications, if any.**

However, complete incumbency of Sh. Bishambhar Dass, Sr.Asstt. is as under:-

Name	From	To	Station
Sh. Bishambhar Dass	28-03-87	04-05-90	Mech. Divn. Dhalli Shimla
D.o.B-04-02-68	14-05-90	17-12-09	Palampur Divn.
D.o.A-22-03-87	<b>17-12-09</b>	<b>to date</b>	<b>5th Circle Palampur</b>

— P.T.O. —



**And whereas,** in compliance to the Hon'ble High Court judgement, the petitioner, Sh. Bishambhar Dass, Sr.Asstt. through official email has submitted his representation in this office wherein the official has requested that he may be transferred to HPPWD Elect.Sub-Divn. Palampur, so that he could look after himself and his family in better way.

**And whereas,** in HPPWD Elect. Divn. Palampur, 5 posts of Sr.Asstt. are lying vacant.

**Now therefore,** in compliance to the judgement passed by Hon'ble High Court of HP Shimla and 75 % of disability of the petitioner, the representation of Sh. Bishambhar Dass, Sr.Asstt. has been considered and is hereby accepted. Accordingly, Sh. Bishmbhar Dass, Sr.Asstt. who is under order of transfer from HPPWD 5<sup>th</sup> Circle Palampur to HPPWD 2<sup>nd</sup> Mech. Circle Dharamshala in place of Sh. Sanjay Gupta, Sr.Asstt. vide this office order No.PWE-79-1-Sr.Asstt.Tr.23/ESI-8494-99 dated 29-09-2023 is hereby adjusted in HPPWD Elect. Sub-Divn. Palampur under Elect. Divn. Palampur against vacant post with immediate effect.

However, the department/competent authority reserves right to transfer him in accordance with transfer policy.

May inform the official accordingly.

  
(Er.Ajay Gupta)  
Engineer-in-Chief,  
HPPWD Shimla-2. 

**Regd.**

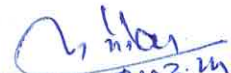
Sh. Bishambhar Dass,  
S/o Late Sh. Ruliya Ram,  
R/o House No. 42, Village and P.O. Housing Board Colony  
Himuda, Tehsil Palampur, District Kangra  
Presently working as Sr.Asstt. in 5<sup>th</sup> Circle Palampur.

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No. PWE-79-1-Court Case.24/ESI-16954-61 Dated:- 21/03/2024

Copy to the following for information and necessary action:-

1. The Chief Engineer, HPPWD Kangra Zone at Dharamshala.
2. The Superintending Engineer, HPPWD 5<sup>th</sup> Circle Palampur.
3. The Superintending Engineer, HPPWD 2<sup>nd</sup> Mech. Circle Dharamshala.
4. The Executive Engineer, HPPWD Elect. Divn.Palampur.
5. The Assistant Engineer, HPPWD Elect. Sub-Divn. Palampur.
6. The Nodal Officer (I.T) HPPWD Shimla-2 for uploading the same on departmental website.
7. Guard File.

  
(Dalip Gaotam)  
Registrar,  
HPPWD Shimla 