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**Himachal Pradesh
Public Works Department**

#OFFICE ORDER#

Whereas, Sh. Rakesh Kumar , presently working as Excavator -Cum -Loader Operator in HP,PWD Sub Division Sisu under HPPWD B&R Division Chenab Valley Udaipur filed a CWP No. 9495 of 2024 titled as Rakesh Kumar Vs. State of H.P & others before the Hon'ble High Court of Himachal Pradesh with a request to consider his option for choice of station and transfer him from C&V Division Udaipur to HPPWD Sub Division Kullu under HPPWD Division Kullu., HPPWD Sub Division Bhunter under HPPWD Division Kullu, HPPWD Sub Division Manali under HPPWD Division Manali, HPPWD Sub Division Babeli under HPPWD Division Manali & HPPWD Sub Division Katrai under HPPWD Division Manali . The case was listed before the Hon'ble High Court of Himachal Pradesh Shimla on 06.09.2024 wherein following order has been passed:-

- 2 The petitioner in terms of this writ petition prays for his transfer outside the tribal area on the ground that he has already completed his normal tenure. Learned counsel for the petitioner submits that interest of justice would be served in case the petition is disposed of by permitting the petitioner to make a fresh representation for his adjustment at some other station by mentioning therein the station to which he intends to be transferred.
- 3 Accordingly, as prayed for the petition is disposed of with the direction that in the event of any such representation being filed within two weeks from today, let an appropriate call be taken thereupon in terms of the Transfer policy of the State, within a period of four weeks as from the date of receipt thereof. Pending miscellaneous applications(s), if any also stands disposed of accordingly.

In compliance to the aforesaid order Sh. Rakesh Kumar S/o Sh. Amar Singh, Excavator-Cum-Loader Operator has made a representation to the department on dated 19.09.2024 and has requested for his transfer to one of his choice of stations as given below:-

Sr. No.	Name of station of Choice
1	HPPWD Sub Division Kullu under HPPWD Division Kullu.
2	HPPWD Sub Division Bhunter under HPPWD Division Kullu.
3	HPPWD Sub Division Maanali under HPPWD Division Manali.
4	HPPWD Sub Division Babeli under HPPWD Division Manali.
5	HPPWD Sub Division Katrai under HPPWD Division Manali

And whereas, the complete incumbency of Sh. Rakesh Kumar S/o Sh. Amru Ram, Excavator-Cum-Loader Operator is as under:-

Name & Father's Name	Sh. Rakesh Kumar S/o Sh. Amru Ram
Date of Birth	22.01.1985
Date of Apptt.	08.08.2019
Incumbency	08.08.2019 to date Chenab Vallay Division Udaipur

From the above position, it is evident that the incumbent has served more than 05 years in Tribal area. The vacancy position of Excavator-Cum-Loader Operator in the HPPWD B&R Division Kullu and Manali is as under:-

Sr. No.	Name of Division	Sanctioned Strength	Existing Strength	Vacancy
1	HPPWD B&R Division Kullu	3	3	0
2	HPPWD B&R Division Manali	3	3	0

However, to comply with the order of Hon'ble High Court in the aforesaid CWP, the petitioner/ official can be transferred/adjusted against the longer stay holder incumbent in the aforesaid divisions for which the incumbency of the longer stay holder incumbents is given as under:-

Sr. No	Name & Father name	Date of Birth	Date of Apptt. In the Deptt	Incumbency
HPPWD B&R Division Kullu				
1	Sh. Mast Ram S/o Sh. Lot Ram	29.04.1977	22.01.2007 as Beldar 27.08.2011 as JCB Operator	22.01.2007 to 10.07.2015 EE Kullu 01.07.2015 to 31.03.2019 EE Banjar, 01.04.2019 to till date in EE Kullu Division.
HPPWD B&R Division Manali				

1	Sh. Karam Chand S/o Sh. Jeet Ram	25.03.1978	16.11.2006 as Cleaner 21.11.2015 as JCB Operator	16.11.2006 to till date Manali Division
2	Sh. Vikas Kumar S/o Sh. Parma	24.11.1977	08.01.2007 as Cleaner 15.09.2011 as JCB Operator	08.01.2007 to till date Manali Division



The petitioner has already completed his normal tenure at present place of posting and thus his claim for adjustment at HPPWD Sub Division Kullu under HPPWD Division Kullu, HPPWD Sub Division Bhunter under HPPWD Division Kullu, HPPWD Sub Division Manali under HPPWD Division Manali, HPPWD Sub Division Babeli under HPPWD Division Manali & HPPWD Sub Division Katrai under HPPWD Division Manali is sustainable. However, there is no post of Excavator-Cum-Loader Operator lying vacant in HPPWD B&R Division Kullu & Manali.

As per para-16 of the Comprehensive Guiding Principles-2013 for regulating the transfer of State Government employees, the normal tenure for transfer in Difficult/Tribal/Hard/Most Difficult areas will be three years i.e. Two Winters and three summers, on completion of normal tenure in Tribal area will have option of 5(five) station of their choice. The said official has served more than 05 years of service in tribal area and has completed his normal tenure. He has also submitted his representation for choice of stations for transfer. Accordingly, the matter was sent to the Secretary (PW) to the Govt. of Himachal Pradesh Shimla-02 vide this office letter No. PWE-133-9(Driver)ES-III- 2024- 4830-31 dated 23.09.2024. The Secretary (PW) to the Govt. of Himachal Pradesh Shimla-02 vide his office letter No. PWD-A-B0*(6)/23/2024 dated 26.10.2024 has observed that the matter has been examined at Government level and it has been decided that since Sh. Rakseh Kumar , Excavator-Cum-Loader Operator is a class-III employee, the decision should be taken at the level of the Engineer-in-Chief, HPPWD without referring the matter to the AD.

Now therefore, the representation of petitioner has been considered and accordingly he is hereby transferred from C.V Division HPPWD Udaipur to Manali Division HPPWD Manali against Sh. Karam Chand S/o Sh. Jeet Ram, who is having longer stay in HPPWD B&R Division Manali . Sh. Karam Chand S/o Sh. Jeet Ram joined in the Department as Cleaner on 16.11.2006 and 21.11.2015 as

Excavator-Cum-Loader Operator and has completed a tenure of more than 18 years at his place of posting and has never served the tribal area. The Executive Engineer HPPWD B&R Division C.V Udaipur/Manali are hereby directed to comply with these orders and relieve the official and report their joining to this office immediately.

May inform the parties accordingly.


(Er. Narinder Pal Singh)
Engineer-in-Chief,
HPPWD., Shimla-02. 

Registered:-


Sh. Rakesh Kumar , Excavator-Cum-Loader Operator
S/o Sh. Amar Singh,
O/o the Executive Engineer ,
C.V Division HPPWD, Udaipur.

Sh. Karam Chand , Excavator-Cum-Loader Operator ,
S/o Sh. Jeet Ram,
O/o the Executive Engineer,
HPPWD B&R Division Manali.

No.-PWE-133-9(Driver)/2024-ES-III- 5086-95 Dated:- 14-11-24

Copy is forwarded to the following for information and necessary action to :-

1. The Secretary (PW) to the Govt of HP with reference to his office letter No . PWD-A-B0(6)/23/2024 dated 26.10.2024
2. The Chief Engineer (Mandi Zone) HPPWD Mandi.
3. The Superintending Engineer 6th Circle HP,PWD, Kullu.
4. The District Attorney in this office alongwith case file.
5. The Executive Engineer, HPPWD B&R Division C.V Udaipur/ Manali Division in HPPWD .
6. The Executive Engineer (IT), HPPWD Shimla-02.
7. Guard file.


(Vijay Kumar Dhiman)
Registrar,
HPPWD Shimla-02. 