

**Government of Himachal Pradesh  
Public Works Department**

No. PBW-A-E(3)-11/2024 dated Shimla-2 ~~30~~-November, 2024.

**ORDER**

**WHEREAS**, Sh. Sanjeev Kumar, Assistant Engineer, posted in HPPWD Circle, Mandi was transferred to HPPWD Sub Division, Daultpur Chawk vide notification No. PBW-A-B(2)-3/2023-Part-I dated 26<sup>th</sup> February, 2024 and feeling aggrieved he filed CWP No. 1449/2024 before the Hon'ble HP High Court and the Hon'ble Court was pleased to pass the following orders on 01.03.2024 as under:-

***"6. Accordingly, the Notification dated 26.02.2024 (Annexure P-4) transferring the petitioner as an Assistant Engineer (Design) to 1<sup>st</sup> Circle Mandi HPPWD Mandi to HPPWD Sub-Division Daulatpur Chowk, shall remain stayed, qua the petitioner as well as the private respondent, as the petitioner has not handed over the charge nor the private respondent has joined on date of filing of the writ petition [29.02.2024]. The interim to continue till the next date of hearing.***

**WHEREAS**, the said CWP was disposed of by the Hon'ble Court on 04.11.2024 with the following directions:-

**"Learned counsel for the petitioner prays for and is permitted to withdraw the petition but with liberty to the petitioner to seek his adjustment at some other station, where the post(s) are lying vacant, by way of filing an appropriate representation.**

**In the event of any such representation being made by the petitioner within a period of two days, let the same be decided within a period of one week, thereafter. Till the decision of the representation, the interim granted to the**

**petitioner shall continue. Pending miscellaneous applications, if any, also stand disposed of."**

**WHEREAS**, in pursuance to the directions of the Hon'ble Court, the petitioner submitted his representation vide letter dated 06.11.2024 whereby he has stated that he has health issues and is under treatment and as his son is studying in Palampur University who can look after him in the absence of his wife ,hence, he has requested to adjust him at Palmapur and also indicated his choice of stations at Palampur;

**AND WHEREAS**, during the course of hearing, applicant was asked to indicate the provision of the transfer policy which requires his posting at the station of choice indicated by him in his representation but he failed to put forth any plausible argument/provision. It has been observed that as per office record the applicant remained posted in his home District Mandi during majority of his service period. The applicant is a class-A officer and as per transfer policy he can be posted anywhere in the State as per administrative requirement and there appears no violation of transfer policy in any manner. The officer tried to justify the cancellation of his transfers on medical grounds but he did not produce any evidence in this regard. Moreover, if he is medically fit to perform duties at Palampur he should also be considered fit to perform duties in Daulatpur Chowk. The officer also argued that Daulatpur Chowk is a field posting which he cannot perform, but an officer of Assistant Engineer rank is supposed to perform his duties whether in the office or in the field as per the written directions of the competent authority. In fact, a Medical Board could be directed to give report about his medical



fitness for continuation in the service to perform duties anywhere as per his cadre which is a state cadre. On enquiry it was also revealed that he has seven-eight years for his retirement which is not a small time. Any officer of the state is supposed to perform his or her duties at any place as per the state cadre, and cannot say that he will perform duties at Palampur but not at Daulatpur Chowk.

Hence, I find no ground to interfere with the transfer orders of the applicant as issued vide notification dated 26.02.2024 from HPPWD Circle, Mandi to HPPWD Sub Division, Daulatpur Chowk; and

**THEREFORE,** Sh. Sanjeev Kumar, Assistant Engineer is hereby directed to join at Daulatpur Chowk immediately in pursuance to the orders dated 26.02.2024 and to submit his joining report within 05 days positively. Representation of the applicant is accordingly disposed of.

Signed by

Abhishek Jain

**(Dr. Abhishek Jain, IAS)**

Date: 30-11-2024 18:02:04 Secretary (Public Works) to the Government of Himachal Pradesh.

Endst. No. As above. dated Shimla-2 ~~30~~ November, 2024.

Copy for information and necessary action is forwarded to:-

1. The Ld. Advocate General, HP, Shimla-2
2. The Engineer-in-Chief, Nirman Bhawan, Shimla-2.
3. The Chief Engineers (Civil), HPPWD, Mandi/Hamirpur.
4. The Superintending Engineers (Civil), HPPWD, Mandi/Hamirpur.
- ✓ 5. Sh. Sanjeev Kumar, Asstt. Engineer (Design), HPPWD Circle, Mandi.

Signed by

Surjeet Singh Rathore

**( Surjeet Singh Rathore )**

Date: 30-11-2024 19:08:12  
Additional Secretary (PW) to the Government of Himachal Pradesh.