

Government of Himachal Pradesh
Department of Public Works
Section-A

File No.PBW-A-E(1)-39/2018

Dated: Shimla-2, the

26¹⁵ May, 2018

ORDER

Sh.Vijay Kumar Chauhan, AE (D) o/o Chief Engineer (HZ), HPPWD, Hamirpur was transferred as Engineer Officer, HPPWD Circle, Hamirpur vice Sh.Ravinder Kumar, Assistant Engineer and vice versa vide this department notification No.PBW-A-B(6)-21/2018 on 13.3.18 with the prior approval of Competent Authority. In compliance to Govt. order, Sh.Vijay Kumar Chauhan, had joined as Engineer Officer, HPPWD Circle, Hamirpur on, 19.3.18 whereas Sh.Ravinder Kumar, AE instead of joining as AE (D) o/o Chief Engineer (HZ), HPPWD, Hamirpur, had filed an OA No.1596/2018 in the Ld. Tribunal on the grounds that he has been transferred without completion of his normal tenure & on the verge of retirement. The said OA was finally disposed of by Ld. Tribunal vide its order dated 9.4.2018 and operative portion of the order is as under:-

PARA-4:

The applicant has already made a representation for redressal of his grievance dated 21.3.18, annexure-A-3. However, the same has not been decided till date.

PARA-5:-

Consequently, the present OA is disposed of with a direction to 1st Respondent through the ACS (PW) to the Govt. of Himachal Pradesh, to take a final decision on the basis of representation of the applicant by 30th April, 2018. The further action, pursuant to notification dated 13th March, 2018, Annexure-A-1, qua the applicant shall stand deferred till decision of the representation.

After going through the record, it has been found that this department has not received the representation dated 21.3.2018 from the applicant so far enclosed as Annexure-A-3 with the OA. However, in representation, enclosed as Annexure-A-3 with the OA, the applicant has submitted that he is presently working as Engineer Officer, HPPWD Circle Hamirpur since 4.8.17 and just after 07 months, he has been transferred to the o/o CE, HPPWD Hamirpur on 13.3.18, which is not justified. He is due for retirement on 30.11.18. The post of AE (D), HPPWD Circle, Hamirpur is lying vacant and another person viz Sh.Vijay Kumar Chauhan, can be adjusted easily

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without disturbing him at the verge of retirement. The applicant has further submitted that he is suffering from heart related ailments and this was ^{the} only ground he was posted in Circle Office as Engineer Officer. In the end, applicant has requested for cancellation of his transfer order.

The undersigned has gone through the record of the case as well as representation enclosed with the OA as Annexure-A-3. After going through the record, it has been found that the distance between the Circle Office Hamirpur where applicant viz Sh.Ravinder Kumar is working as Engineer Officer and the office of Chief Engineer, HPPWD Hamirpur, where he has been posted as AE (D) vice Sh.Vijay Kumar Chauhan, AE and vice versa on 13.3.18 after the approval of competent Authority, is less than 50 metres and there is only change of building. The applicant is unnecessarily making hue and cry against his transfer order and it seems that he has some ^{personal} ~~vested~~ interest to work against the post of Engineer Officer and avoiding transfer as AE (D) by taking the shelter of retirement as well as short stay, which is not acceptable. The applicant is discharging the duties of Class-I (Gazetted) Officer, and as per comprehensive guidelines issued by DOP on 10th July, 2013 for regulating the transfer of State Govt. employees, the condition of 03 years stay is not applicable to a Class-I Officer. Since, the applicant is holding the Class-I post, therefore, he can be transferred any time and anywhere in the exigency of departmental work and in public interest. From the perusal of the record, it reveals that since Sh.Vijay Kumar Chauhan, has already joined as Engineer Officer in HPPWD Circle, Hamirpur on 19.3.18, prior to obtaining the stay order by the applicant on 9.4.2018, therefore, it is not feasible to cancel the transfer order of the applicant.

Now therefore, in the light of above discussion, the representation of Sh.Ravinder Kumar, Engineer Officer, HPPWD Circle, Hamirpur under transfer as AE (D) o/o CE (HZ), HPPWD, Hamirpur is hereby rejected and he is directed to join at new place of posting within 03 days positively, failing which, action will be taken as per rules.

Mn *o/c*
(Mansiha Nanda)
Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh

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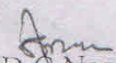
Endst.No. As above.

Dated: Shimla-2, the

26th May, 2018

Copy for information to:-

1. The Accountant General, HP, Shimla-171003.
2. The Engineer-in-Chief, HP,PWD, Nigam Vihar, Shimla-171002.
3. The Controller, Printing and Stationery, HP Shimla-5 with a request to publish above notification in Rajpatra.
4. The Chief Engineer (HZ), HP,PWD, Hamirpur.
5. The Superintending Engineer, HPPWD, Circle, Hamirpur. .
6. Sh.Ravinder Kumar, EO, HPPWD Circle, Hamirpur.
7. Sh.Vijay Kumar Chauhan, EO, HPPWD, Circle, Hamirpur.
8. The Nodal Officer o/o E-in-c, HP, PWD Shimla for uploading the order in official website.


(D.C.Negi)

Special Secretary (PW) to the
Government of Himachal Pradesh