

**Government of Himachal Pradesh
Department of Public Works
Section-A**

File No. PBW-A-E(1)-64/2018

Dated: Shimla-2 the 12.07.2018

ORDER

Whereas Sh. Karam Chand, AE (Elect), Dehra was transferred and posted as E.O., Electrical Circle, Kasumpti, Shimla vide notification dated 13.6.2018. In his place, Sh. Vinod Kumar was posted vide the same notification. In compliance, Sh. Vinod Kumar joined his duties at Dehra on 14.6.2018 but Sh. Karam Chand challenged his transfer from Dehra by way of filing OA No.3431/2018 before the Hon'ble HP Administrative Tribunal, Shimla.

Whereas the Hon'ble Tribunal vide its order dated 19.6.2018 passed in OA No.3431/2018 disposed of this OA with the direction to the applicant, Sh. Karam Chand to make detailed representation to the undersigned, supported by documents alongwith certified copy of the order dated 19.6.2018, with a request for cancellation of the transfer in the first instant or suitable adjustment. It was also directed that the undersigned will consider and decide the same in accordance with law, sympathetically, and the transfer policy framed by the State Govt. by 07.07.2018 after affording an opportunity of being heard to the applicant as well as private respondent No.3 and meanwhile the impugned notification dated 13.06.2018 shall stand stayed till decision of the representation.

Whereas in pursuance to the order passed by the Hon'ble Tribunal on 19.06.2018, the applicant, Sh. Karam Chand preferred his representation on 20.06.2018 and also provided certified copy of the order dated 19.06.2018. In the representation, he has submitted that after working in different places i.e. Tribal Area Bharmour District Chamba as Additional Assistant Engineer for more than five years and one year as AE at Reckongpeo Distt. Kinnaur, he has now been transferred to Shimla. His wife is also in Govt. Service and working as Female Health Supervisor in Health Department at Civil Hospital, Fatehpur (BMO Fatehpur) Distt. Kangra. His mother is 80 years old and suffering from various old aged ailments and there is none else to look after her at home, as his sons are getting their education out of Himachal Pradesh. Sh. Karam Chand, AE (Elect.) has requested that his transfer order dated 13.06.2018 may be cancelled and be allowed to serve at AE HPPWD Elect. Sub Division, Dehra.

Whereas as per the direction of the Hon'ble Tribunal dated 19.06.2018, the applicant as well as respondent No. 3, Sh. Vinod Kumar were given personal hearing on 07.07.2018. During the course of hearing, the applicant has made similar submission, as have been made in his representation. Besides, he also requested for his adjustment in HPPWD Electrical Circle, Dharamshala against the vacancy. The Respondent No. 3 i.e. Sh. Vinod Kumar informed that he has joined at Dehra on 14.06.2018

And whereas the undersigned has gone through the record of the case, representation of the applicant as well as submissions made during the course of personal hearing. It has been found that Sh. Karam Chand had joined the department in 1988 and for a major part of his career he has worked in Kangra District or in the neighboring Districts of Shimla and Chamba. Presently, only 2 (two) posts were vacant in the Department. One is of E.O. Electrical Circle Kasumpti, Shimla against which the applicant has been ordered to be posted and the other is of AE(Elect) Sub-division Udaipur. Since, Sh. Vinod Kumar has joined at Dehra, he cannot be transferred. Besides, Sh. Karam Chand has already completed his normal stay at Dehra, therefore, he has no legitimate right to continue there. Udaipur is a tribal sub-division and he has already served tribal area, therefore, it would not be appropriate to post him in tribal area again. He also does not want to serve at Shimla due to his family problems but requested for his adjustment at Dharamshala. It has been found that the post of EE(D) Electrical Circle Dharamshala is vacant but he is a AE (Elect) and no post of AE (Elect.) is vacant.

Now, therefore, in the light of the above averments and Sh. Karam Chand, AE (Elect.) U/t from HPPWD Elect. Sub Division, Dehra to HPPWD Elect. Circle, Kasumpti is temporarily adjusted as AE (Design) in Electrical Circle, Dharamshala and his pay shall be drawn against the vacant post of Executive Engineer(Design), Electrical Circle Dharamshala till further orders.


(Manisha Nanda)


Additional Chief Secretary (PW) to the
Government of Himachal Pradesh

Endst. No. As above

Dated Shimla-2, the 12.07.2018

Copy is forwarded to the following for information and necessary action.

1. The Engineer-in-Chief, HPPWD, Nirman Bhawan, Shimla-2
2. The Superintendent O/o HP Administrative Tribunal w.r.t. his order/judgment passed on 19.06.2018 in OA No. 3431/2018 for information please.
3. Sh. Karam Chand, s/o Late Sh. Barfi Ram R/o Village Balet, PO-Town Bharari, Tehsil Bhoranj, Distt. Hamirpur.
4. Sh. Vinod Kumar HPPWD Electrical Sub Division Dehra, Distt. Kangra
5. Personal/ Guard file.


(Balbir Singh)

Under Secretary (PW) to the
Govt. of Himachal Pradesh
Phone No. 0177.2880851