

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

MEMORANDUM

Whereas, Sh. Prem Chand, Junior Engineer (Civil) while posted in HPPWD Divn. Municipal Corporation, Shimla was transferred to HPPWD Divn. Bilaspur Division No-1 vice Sh. Rajesh Kumar, Junior Engineer (Civil) vide office order No. PWE-8-E (JE's Transfer)/ESIII-4471-76 dated 25.06.2022 on the approval of competent authority. Feeling aggrieved against this order, Sh. Rajesh Kumar, Junior Engineer (Civil) filed CWP No. 4274 of 2022 before the Hon'ble High Court of HP and same was disposed on 19.07.2022 with the following direction:-

2. Perusal of the record that was produced by the official-respondents, pursuant to the direction to this effect, goes to reveal that the order of transfer has been passed solely on the basis of the recommendations issued by the local MLA, that too, without there being any independent application of mind by the administrative authority.

3. What is more disturbing is that the local MLA has not only recommended the transfer of the petitioner, but has also suggested the station against whom the petitioner has been transferred.

4. This obviously was not within the domain of the local MLA as matters of transfer have to be dealt with strictly by the administrative authority where the political executive has no role to play.

5. In such circumstances, the Court has no other option, but to quash and set aside the impugned order of transfer. Ordered accordingly.

6. Since the petitioner has completed his normal tenure of service at the given station, therefore, this order shall not come in the way of the official-respondents in case they take a decision to effect transfer in future, which, needless to say, shall be strictly in accordance with the comprehensive guiding principles-2013 and notifications issued from time to time.

The instant petition is allowed in the aforesaid terms, so also the pending application(s), if any.

In view of order dated 19.07.2022 passed by the Hon'ble High Court, the transfer order as issued vide this office order dated 25.06.2022 is hereby cancelled with immediate effect.

Regd.

Sh. Rajesh Kumar S/o Sh. Inder Singh,
R/o Vill.-Lohat, P.O. Domelhar,
Tehsil-Ghumarwin, Distt.-Bilaspur, HP.

(Er. Ajay Gupta)
Engineer-in-Chief,
HP.PW.D. Shimla-2.

No. PWE-8-E (JE's Transfer)/ESIII-

Copy is forwarded to the following:-

1. The Chief Engineer, HPPWD Hamirpur Zone.
2. The Commissioner, MC. Shimla-1.
3. The Superintending Engineer, HPPWD 10th Circle Bilaspur.
4. The Deputy Distt. Attorney, Legal Cell in this office a/w case file.
5. The Executive Engineer, HPPWD, B&R Bilaspur Div. No.-1
6. The Executive Engineer (IT) HPPWD Shimla-2.
7. Guard file.

(Lobzang Namgyal)
Registrar,
HPPWD Shimla-2.

F.R.

Shaluv.

EE(IT) 06/09/22

Uploaded on
official
website.

JE (IT)

7461-68

Dated: 6-9-2022