

HIMACHAL PRADESH  
PUBLIC WORKS DEPARTMENT

**Whereas**, Ms. Kamla, Supdt.Gr.II. while posted in HPPWD CV Divn. Udaipur was transferred to HPPWD Circle Dharampur against vacant post vide this office order No.PWE-79-1-Supdt.Gr.II.Tr.23/ESI-442-47 dated 11-04-2023 on the approval of competent authority conveyed vide U.O.No.Secy/CM-22021/2022-VIP-C-17334 dated 15-03-2023.

Feeling aggrieved against these orders, Ms. Kamla Supdt.Gr.II. filed a CWP No. 2040/2023 titled Kamla Vs State of HP & others before the Hon'ble High Court of HP Shimla on 17.04.2023 which was listed for hearing on 18.04.2023, 30.05.2023, 02.06.2023, 10.08.2023 and finally disposed off by the Hon'ble High on 24.08.2023 wherein Hon'ble High Court has passed the following judgement:-

**2. Petitioner's case is that she was promoted as Superintendent Grade-II on 17.08.2021 and posted at HPPWD Chenab Valley Division Udaipur Lahaul & Spiti. On 28.02.2023, she made a representation (Annexure P-1) to respondent No.2, seeking her transfer from hard/tribal area in accordance with applicable transfer policy and also indicated therein list of 5 stations of her choice. This was on the ground that she had served for more than 23 years and 4 months in difficult/hard/tribal area i.e. at the present place of posting.**

**3. Grievance of the petitioner is that instead of considering her representation, the respondents passed the impugned order on 11.04.2023, transferring her to HPPWD Dharampur Circle, which was not the station of her choice indicated in the representation. Learned Senior Counsel for the petitioner submitted that the impugned order was issued de-hors the provisions existing in the applicable policy for transfer from tribal areas. The options indicated by the petitioner in her representation were not considered by the respondent. The respondents straightaway transferred the petitioner from the**



tribal area of Chenab Valley Division Udaipur to HPPWD Dharampur Circle. The distance between the Udaipur to Dharampur is around 200 kms. Learned Senior Counsel for the petitioner further submitted that the petitioner would be content, in case , respondent No.2/Competent authority is directed to consider and decided the said representation of the petitioner , in a time bound manner.

4. Respondents have filed the reply inter-alia stating therein that representation of the petitioner is still pending consideration with the competent authority.

Vide order dated 18.04.2023 passed in the instant petition, operation of impugned order dated 11.04.2023 (Annexure P-3) was stayed pursuant to which the petitioner is countinuing at the present place of posting.

5. In view of above submissions, the instant writ petition is disposed of by directing respondent No.2/competent authority to consider and decide the aforesaid pending representation of the petitioner, in accordance with law and applicable Transfer Policy, within a period of four weeks from today. The order so passed be also communicated to the petitioner. Till such time, the operation of interim order dated 18.04.2023 shall remain in force. Pending miscellaneous application(s), if any, shall also stand disposed of.

**And whereas** complete incumbency of Ms. Kamla Supdt.Gr.II. is as under:-

Name	From	To	Station
Ms. Kamla D.o.B-27-03-76 D.o.A-29-11-99	29-11-99	to date	Chenab Valley Division

**And whereas**, representation from Ms. Kamla Supdt.Gr.II. dated 23-02-2023 for her transfer from HPPWD CV Divn.Udaipur to her choice of station forwarded by O/o Chief Engineer, HPPWD Mandi Zone vide his letter No.PW-CE(MZ)Estt.(EA-3)Tr.Supdt.Gr.II.Vol. VIII/2023-1282-83 dated 08-05-2023 has been received in this office on 17-05-2023. Ms. Kamla, Supdt.Gr.II. has



given 5 station of choice as per Comprehensive Guiding Principles-2013 for regulating transfer of State Government employees which was not received in this office well in time and matter being subjudice, her representation could not be processed. Further Ms. Kamla, Supdt.Gr.II. in her representation has given the following stations of choice:-

Representation dated	Station of choice
23-02-2023 received on 17.05.2023	B&R Divn.Manali
	B&R Divn.Kullu
	Mech. Divn.Kullu
	6 <sup>th</sup> Circle Kullu
	Thalout Divn.

At present, no post of Supdt.Gr.II. is lying vacant in the stations of her choice. However, service particular of Supdt.Gr.II. posted in above mentioned offices are given as under:-

Sr. No.	Official Name Sh./Smt. <sup>1</sup>	Present place of posting	Posted Since	Hard Area Served or not.	Remarks
1	Dot Ram D.o.B-02-11-68	Manali Divn.	22-03-19	Yes	3 years left for retirement
2	Murari Lal D.o.B-30-11-72	Kullu Divn.	17-01-22	Yes	-
3	Rajneesh Patti D.o.B-05-01-74	Kullu Divn.	03-10-22	No	-
4	Sh. Ashok Kumar D.o.B-20-05-80	Mech. Divn.Kullu	14-09-22	Yes	-
5	Sh. Balbir Chand D.o.B-13-05-68	6 <sup>th</sup> Circle Kullu	04-10-17	Yes	3 years left for retirement & Heart Patient
6	Sh.Subhash Sharma D.o.B-07-07-66	6 <sup>th</sup> Circle Kullu	18-05-20	Yes	1 year left for retirement
7	Sh. Keshav Ram D.o.B-23-06-71	Thalout Divn.	01-02-22	Yes	-
8	Sh. Ranjeet Singh D.o.B-01-03-73	Thalout Divn.	19-09-22	Yes	-

The above incumbency shows that the officials at Sr.No. 1,2,4,5,6,7 & 8 have already served tribal/hard area. Whereas Sh. Rajneesh Patti, Supdt.Gr.II. at Sr.No. 3 has not served tribal/hard area in his entire service career.



**And whereas,** in compliance to the judgement passed by Hon'ble High Court of HP Shimla , the representation of Ms. Kamla, Supdt.Gr.II is considered and is hereby accepted. Accordingly, transfer order of Ms. Kamla Supdt.Gr.II. as issued vide this office order No. PWE-79-1-Supdt.Gr.II.Tr.23/ESI-442-47 dated 11-04-2023 is hereby modified as under with immediate effect in the public interest.

Sr.No.	Name	From	To	Remark
1.	Ms. Kamla	U/t from HPPWD CV Divn. Udaipur to HPPWD Circle Dharampur	HPPWD Kullu Divn.	Without TTA/JT
2.	Sh. Rajneesh Patti	HPPWD Kullu Divn.	HPPWD CV Divn. Udaipur	With TTA/JT

May inform the officials accordingly.

(Er. Ajay Gupta)  
Engineer-in-Chief,  
HPPWD Shimla-2.

Ms. Kamla  
W/o Sh. Karam Singh  
R/o Vill Madgran, PO and Teh. Udaipur,  
Distt. Lahaul & Spiti, HP.

No.PWE-79-1-Court Case/ESI- 7121-29 Dated:- 04/09/2023

Copy to the following for information and necessary action:-

1. The Chief Engineer, HPPWD Hamirpur Zone Hamirpur.
2. The Chief Engineer, HPPWD Mandi Zone Mandi.
3. The Superintending Engineer, HPPWD 6<sup>th</sup> Circle Kullu.
4. The Superintending Engineer, HPPWD Dharampur Circle.
5. The Executive Engineer, HPPWD CV Divn. Udaipur.
6. The Executive Engineer, HPPWD Divn. Kullu.
7. The Nodal Officer (I.T) HPPWD Shimla-2 for uploading the same on departmental website.
8. The Dy. District Attorney, Legal Cell, HPPWD Shimla-2.
9. Guard File.

(Lobzang Namgyal)  
Registrar,  
HPPWD Shimla-2.