

HIMACHAL PRADESH  
PUBLIC WORKS DEPARTMENT

OFFICE MEMORANDUM

**Whereas**, Sh. Lalit Kumar, Supdt.Gr.II. while posted in HPPWD Divn. Sundernagar has been transferred to HPPWD Padhar Divn. vice Sh. Surender Kumar, Supdt.Gr.II. & vice versa vide this office order No.PWE-79-1-Supdt.Gr.II.Tr.23/ESI-6695-6701 dated 31.08.2023 on the approval of competent authority conveyed vide U.O.No.Secy/CM-22112-2022-VIP-C-62246 dated 30-08-2023.

Feeling aggrieved against these order, Sh.Lalit Kumar, Supdt.Gr.II. has filed a CWP No. 6094/2023 before the Hon'ble High Court of HP Shimla which has been decided on 05-09-2023 and wherein the Hon'ble High Court has passed the following judgement:-

4. It is seen from the pleadings that the petitioner was transferred to his present place of posting on 01.09.2020. He has completed his normal tenure at the present place. However, learned counsel for the petitioner submitted that the petitioner is left with only 16 months to superannuate. It was further submitted that in view of the impending retirement of the petitioner, he is entitled to protection under Clause 5.5 of the applicable transfer policy. Learned counsel for the petitioner further submits that the petitioner would be content in case he is permitted to make a representation to respondent No.2/competent authority seeking his adjustment in view of his impending retirement, whereafter, the competent authority be directed to decide the same within a time bound schedule.

5. In view of the above submissions, this writ petition is disposed of by permitting the petitioner to make a representation to respondent No.2/competent authority within a week from today, which shall be considered and decided by respondent No.2/competent authority in accordance with law and applicable policy as well as keeping in view the fact that the petitioner is due for retirement within one year and four months, within a period of one week thereafter. The decision so arrived at shall also be communicated to the petitioner.

6. Till such time, the petitioner shall not be compelled to join at the transferred station and he shall be at liberty to avail leave of the kind due. It is, however, made clear that in case the representation is not preferred by the petitioner within the indicated timeline, the protection made available to him under this order shall stand automatically vacated.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.



However, complete incumbency of Sh.Lalit Kumar, Supdt.Gr.II. is as under:-

Name	From	To	Station
Sh.Lalit Kumar D.o.B-23-12-66 D.o.A-17-02-93	17-02-1993	31-01-1996	Mech Divn.Bilaspur
	01-02-1996	30-11-2000	Sundarnagar Divn
	11-12-2000	31-05-2003	Pandoh Divn.
	05-06-2003	31-05-2006	Sundarnagar Divn
	03-07-2006	26-08-2010	Kaza Divn
	30-08-2010	24-09-2012	Elect. Divn Mandi
	27-09-2012	29-07-2013	Sundarnagar Divn
	13-09-2013	31-08-2020	Mandi Zone
	01-09-2020	to date	Sundernagar Divn.

The above incumbency shows that Sh. Lalit Kumar, Supdt.Gr.II. is at the verge of retirement as the official is going to be retired from Govt. services on 31-12-2024 ( 1 year 4 months left) after attaining the age of superannuation.

**And Whereas**, in compliance to the Hon'ble High Court judgement, the petitioner, Sh.Lalit Kumar, Supdt.Gr.II has submitted his representation on 11.09.2023, wherein the official has submitted and requested the following:-

"That the official is suffering from various ailment like joint pain and high blood pressure and taking treatment from Hospital at Sundernagar and his wife is also suffering from old age ailment and his one child is studying out of station and it is not feasible him to serve at distance place which is more than 40 Kms. from his native place and he is only person to look after his ailing wife.Further, the official has requested that he may be allowed to continue his services at present place of posting i.e HPPWD Divn. Sundernagar as the same place is going to be vacated due to retirement of Sh. Surender Kumar, Supdt.Gr.II. on 31.10.2023 or nearby vacant post in the interest of justice and fair play."


Presently, no posts of Supdt.Gr.II is lying vacant in nearby offices of HPPWD which are nearest to HPPWD Divn. Sundernagar.

**And Whereas**, the post of Supdt.Gr.II. shall become vacant in HPPWD Divn. Sundernagar on 31.10.2023 due to retirement of Sh. Surender Supdt.Gr.II. on 31.10.2023.

**Now therefore**, in compliance to the direction passed by Hon'ble High Court of HP Shimla, and in view of early retirement of petitioner, his representation has been considered and is hereby accepted. Accordingly, Sh. Lalit Kumar, Supdt.Gr.II. who is under order of transfer from HPPWD Divn. Sundernagar to HPPWD Divn. Padhar vide this office order No. PWE-79-1-Supdt.Gr.II.Tr.23/ESI-6695-6701 dated 31.08.2023 is hereby adjusted in HPPWD Divn. Sundernagar

against vacant being caused due to retirement of Sh. Surender Kumar, Supdt.Gr.II. on 31.10.2023.

May inform the official accordingly.

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

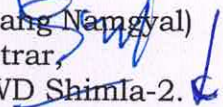
**Regd.**

Sh. Lalit Kumar,  
S/o Late. Sh. Narender Lal Sharma,  
R/o- Purana Bazar (Hatedi),  
P.O- Purana Bazar, Tehsil- Sunder-Nagar,  
Distt.- Mandi, H.P.  
Presently posted as Supdt.Gr.II. in HPPWD Divn.Sundernagar.

No.PWE-79-1-Court Case/ESI- 7548-55 Dated:- 13/9/2023

Copy is forwarded to the following:-

1. The Chief Engineer, HPPWD Mandi Zone Mandi.
2. The Superintending Engineer, HPPWD Circle Jogindernagar.
3. The Superintending Engineer, HPPWD 1<sup>st</sup> Circle Mandi. The salary of Sh. Lalit Kumar, Supdt.Gr.II. for the month of September and October 2023 may be drawn against available higher/equivalent post.
4. The Executive Engineer, HPPWD Divn.Padhar.
5. The Executive Engineer, HPPWD Divn. Sundernagar.
6. The Nodal Officer (I.T) HPPWD Shimla-2 for uploading the same on departmental website.
7. Guard File.

  
(Lobzang Namgyal)  
Registrar,  
HPPWD Shimla-2.