

HIMACHAL PRADESH  
PUBLIC WORKS DEPARTMENT

“OFFICE ORDER”

Whereas, Sh. Ram Prasad, Junior Assistant working in HPPWD Division Pangi at Killar was under order of transfer to Engineer-in-Chief HPPWD Shimla-02 vide this office order No.PWE-79-1/Tr. Clerks/ESI-6284-91 dated 29.08.2023 on the approval of competent authority conveyed vide U.O. No. Secy/CM-P0702/2022-DEP-C-59918 dated 25.08.2023.

Feeling aggrieved against this transfer order, Sh.Ram Prasad, Junior Assistant has filed a CWP No.6362/2023 before the Hon'ble High Court of Himachal Pradesh which has been decided on 13.09.2023 and wherein the Hon'ble High Court has passed the following judgment:-

3. *The petitioner is serving as Junior Assistant in Himachal Pradesh Public Works Department (HPPWD) Division Pangi at Killar, District Chamba. In terms of impugned office order dated 29.08.2023 (Annexure P-2), he has been transferred and posted in the office of Engineer-in-Chief, HPPWD Shimla against vacancy. Learned counsel for the petitioner submitted that though the petitioner has completed much more than his normal tenure at his present place of posting, however, petitioner's present place of posting falls under Tribal area, therefore, the petitioner is entitled to be given an option to be transferred to a station of his choice in accordance with transfer policy. It was further submitted that the impugned transfer has been ordered merely on the basis of D.O. Note.*

*In view of above submissions, learned counsel for the petitioner submitted that the petitioner would be content in case, he is permitted to submit a representation indicating therein fresh stations of his choice, where the petitioner can be adjusted, in terms of Clause 16 of the Comprehensive Guiding Principles, 2013, regulating transfer of State Government employees, to respondent No.2/competent authority, where after, respondent No.2/competent authority be directed to decide the representation to be made by him, in a time bound manner. Learned Additional Advocate General has no objection to this prayer*

4. *In view of above submissions, the instant writ petition is disposed of by permitting the petitioner to make a representation to respondent No.2/ competent authority within a period of one week from today, who shall in turn, consider and*



*decide the same in accordance with law and applicable Transfer Policy, within a further period of one week. The order so passed be also communicated to the petitioner. Till the representation is decided, office order dated 29.08.2023(Annexure-P-2) shall remain stayed in case the representation is not preferred by the petitioner within the indicated time-line, the protection made available to him under this order shall stand vacated.*

However, complete incumbency of Sh.Ram Prasad, Junior Assistant is given as under:-

Name	From	To	Station
Sh. Ram Prasad, Junior Assistant D.O.B.10.04	21.09.2012	date	HPPWD Division Pangi Killar

And whereas, in compliance to the Judgment of the Hon'ble High Court, the petitioner Sh. Ram Prasad, Junior Assistant has submitted a representation received in this office on dated 26.09.2023 wherein he has submitted and requested the following:-

“That his mother is suffering from a chronic disease i.e. Cancer and she is fighting for her life and at present no one is at home to take her care and requested for his adjustment in Sub-Division Pangi at Killar. Further the official has submitted following stations of his choice for his further posting:-

- (i) Sub-Division Number-i Killar Distt.Chamba
- (ii) Sub-Division Number-ii Sach Pangi Distt.Chamba
- (iii) Store Sub-Division HPPWD Trella at Killar District Chamba HP
- (iv) HPPWD Sub-Division Bhuntar, Distt.Kullu
- (v) HPPWD Sub-Division Kullu, Distt.Kullu HP

The vacancy position Clerk/Jr. Assistant in station of his choice is as under:-


Sr. No.	Name of Office	Name of Sub-Division	Sanctioned	Existing	Vacant
1	HPPWD Pangi Division at Killar		9	8	1
		Sub-Division Number-i Killar		1	0
2		Sub-Division Number-ii Sach Pangi		0	1
3		Store Sub-Division HPPWD Trella at Killar		0	1
4	Kullu Division		14	9	5
		HPPWD Sub-Division Bhuntar		1	0
5		HPPWD Sub-Division Kullu		0	1



Now therefore, in compliance to the direction passed by Hon'ble High Court of HP Shimla, his representation has been considered and is hereby accepted. Accordingly, Sh. Ram Prasad, Junior Assistant who is under order of transfer from HPPWD Division Pangi at Killar to Engineer-in-Chief HPPWD Shimla vide this office order dated 29.08.2023 is hereby adjusted in HPPWD Sub-Division Kullu (HPPWD Division Kullu) against vacancy in the public interest with TTA and joining time. The official is further directed to join his duties accordingly.

May inform the parties accordingly.

Registered  
Sh. Ram Prasad, Junior Assistant  
O/o Executive Engineer,  
HPPWD Division Killar at Pangi  
Distt.Chamba(HP)

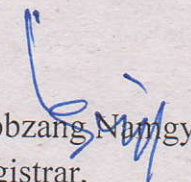
  
(Er. Ajay Gupta)  
Engineer-in-Chief,  
HPPWD, Shimla-2.

No. PWE-79-1-Tr.Clerks/ES-I-

8414-21

Dated:- 28.09.2023

1. The Chief Engineer, HPPWD Kangra Zone at Dharamshala.
2. The Chief Engineer (Mandi Zone) HPPWD Mandi.
3. The Superintending Engineer, HPPWD 7<sup>th</sup> Circle Dalhousie.
4. The Superintending Engineer, HPPWD 6<sup>th</sup> Circle Kullu.
5. The Executive Engineer, HPPWD Division Killar at Pangi, Distt. Chamba.
6. The Executive Engineer, HPPWD Division Kullu.
7. The District Attorney, HPPWD, Shimla-2.
8. Guard File.

  
(Lobzang Namgyal)  
Registrar,  
HPPWD, Shimla-2.