

Government of Himachal Pradesh
Department of Public Works

File No.PBW-A-E(1)-133/2016

Dated: Shimla-2, the

3.8. , 2016.

ORDER

Whereas, Sh.Rajeev Thakur, Assistant Engineer (Civil), HP,PWD Sub-Division, Tounidevi was transferred to Rural Development Department, Sarkaghat against vacancy and Sh.Ravinder Pal Saklani, Assistant Engineer (Civil), HPPWD Sub-Division No.IV, Mandi was posted in HP,PWD Sub-Division, Tounidevi vice Sh.Rajeev Thakur, Assistant Engineer on 28.6.16 with the prior approval of competent authority.

Whereas, Sh.Rajeev Thakur, Assistant Engineer (Civil), HPPWD Sub-Division, Tounidevi, instead of joining in Rural Development Department, Sarkaghat, had filed OA No.3158/2016 in the Ld. Tribunal on the following grounds:-

1. That he has been transferred with almost half of the tenure yet to go.
2. The transfer has been made on the basis of DO note issued by a Ex-MLA who is not even a public representative.
3. It is being a mid academic session transfer, would adversely affects the education of his son who is studying at Hamirpur in +2 Class.

Whereas, OA No.3158/16 filed by Sh.Rajeev Thakur was finally disposed of on 1.7.2016 and following order was passed by the Ld. Tribunal:-

PARA-6:- In the facts and circumstances and interest of justice, the original application is disposed of with the stipulation that subject to the applicant making a detailed representation supported by documents alongwith certified copy of this order, highlighting the above aspects and with a request for cancellation of the transfer and permit him to continue till at least the academic session of his son is over in May, 2017, or suitable adjustment, to respondent No.1, through the Additional Chief Secretary (PW) to the Government of Himachal Pradesh, within ten days from today, who shall consider and decide the same in accordance with law, sympathetically, and the transfer policy framed by the State Government, by 15th August, 2016, after affording an opportunity of being heard to the applicant as well as private respondent No.2, if so desired.

PARA-7:- However, in the meantime, the impugned notification dated 28th June, 2016, Anneuxure-A-1, shall stand stayed qua the applicant till decision of the representation.

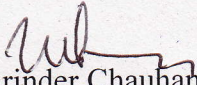
Whereas, as per order passed by the Hon'ble HPAT, the applicant ~~vs~~ Sh.Rajeev Thakur, Assistant Engineer has made representation on 13.7.2016 alongwith certified copy of the order dated 1.7.2016. In the representation, the applicant has submitted that he has frequently been transferred since his promotion and has not completed his normal tenure at Tounidevi. Secondly, he has been transferred on the DO note of Ex.MLA who is not public representative, solely with the view to ease him out from the present place of posting. Thirdly, it is mid academic session, the transfer would adversely affect the education of his son who is studying at Hamirpur. In the end, the

applicant has requested that either his transfer order be cancelled or he may be adjusted in District, Hamirpur.

And whereas, as per direction of the Ld. Tribunal dated 1.7.2016, the applicant was given personal hearing on 23.7.13 at 3.30 PM. During the course of hearing the applicant has made similar submissions as have been made in his representation dated 13.7.2016.

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 the personal hearing. After going through the record, it is evident that the applicant has been transferred from S/D Tounidevi to RDD Sarkaghat on administrative grounds but not on the basis of DO note. The State Government vide its Office Memorandum No.Per(AI-B)E(3)-17/2012 dated 10th July, 2013 has issued "Comprehensive Guiding Principles-2013" for regulating the transfer of State Government employee. As per para-10 of the said guideline, the condition of 03 years stay at one station is not applicable to the Class-I Officers. The applicant being a Class-I (Gazetted) Officer, and as per comprehensive guidelines issued by DOP on 10th July, 2013, he can be transferred anytime anywhere in the exigency of departmental work and public interest. Hence, the plea taken by the applicant that he has not completed his normal tenure of three years, is not tenable. Presently, there is no post lying vacant in Hamirpur District or nearby Hamirpur and only the post of AE RDD Sarkaghat is lying vacant against which the applicant has already been transferred. As far as matter of academic session of son is concerned, the distance between Tounidevi and Sarkaghat is about 30 Kms and applicant can attend his family easily.

Now therefore, in the light of findings recorded above, the representation made by Sh.Rajeev Kumar, Assistant Engineer (Civil), HP, PWD Sub-Division, Tounidevi to cancel his transfer or adjust him in District Hamirpur is hereby rejected. He is directed to join his duties in Rural Development Department, Sarkaghat within 07 days positively from the date of issue of this order.


(Narinder Chauhan)

Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh

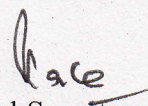
Endst.No. As above.

Dated: Shimla-2, the

3.8.2016

Copy for information to:-

1. The Accountant General, HP, Shimla-171003.
2. The Engineer-in-Chief, HP,PWD, Nigam Vihar, Shimla-171002.
3. The Director, Rural Development Department, Kasumpti, Shimla-9.
4. The Chief Engineer (HZ), HP,PWD, Hamirpur.
5. The Superintending Engineer, HPPWD Circle, Hamirpur.
6. The Executive Engineer (Civil), HPPWD Division, Tounidevi.
7. Sh.Rajeev Thakur, AE (Civil), HP,PWD Sub-Division, Tounidevi, District Hamirpur, HP. **(Through Registered Post).**
8. The Nodal Officer o/o E-in-c, HP, PWD Shimla for uploading the order in official website.


Special Secretary (PW) to the
Government of Himachal Pradesh