

Government of Himachal Pradesh
Department of Public Works

File No.PBW-A-B(6)-2/2013

Dated: Shimla-2, the

23rd December, 2015

ORDER

Whereas, Sh.Ram Singh, Assistant Engineer (Civil), HPPWD Sub-Division, Arki was transferred as AE (QA) o/o CE (SZ), HPPWD Shimla against vacancy and Sh.Ravi Bhatti, HPPWD Sub-Division No.I, Shimla was transferred to Sub-Division Arki vide this department notification of even number dated 24th September, 2015.

Whereas, instead of joining as AE (QA) o/o E-in-C, HPPWD Shimla, Sh.Ram Singh, Assistant Engineer (Civil), filed an OA No.3698/2015 in the Hon'ble HP Administrative Tribunal, Shimla. The OA No.3698 of 2015 was finally disposed of on 29.9.2015 with the direction to the applicant to file representation to Respondent No.I and transfer order dated 29.9.15 of the applicant were stayed. The operative portion of the order is as under:-

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 either for cancellation of the transfer in the first instance or in the alternative suitable adjustment against an existing/likely vacancy out of atleast five such vacancies to be indicated in the representation to meet the requirement under the transfer policy, to respondent No.I through the Principal Secretary (PW) to the Govt. of HP within a week from today, who shall consider and decide the same in accordance with law, sympathetically and the transfer policy framed by the State Govt. by 31.10.2015, after affording an opportunity of being heard to the applicant as well as private respondent No.,2, if so desired.

PARA-7:- In the meantime, in case the applicant has not already been relieved as on 28.9.2015, further action in that regard shall be deferred till decision of the representation.

PARA-8:- The original Application stands disposed of in the above terms.

Whereas, as per order passed by the Hon'ble HPAT, the applicant Sh.Ram Singh, Assistant Engineer has made representation on 6.10.2015 alongwith certified copy of the order dated 29.9.2015 in which officer has submitted that after serving in Chamba w.e.f. December, 2012 to 24.4.15, he was transferred to HP,PWD Sub-Division, Arki where he joined on 1st May, 2015. Thereafter, after a short span of 05 months he has been transferred as AE(QA) o/o E-in-C, HPPWD on 24.9.15 without completing his normal tenure. His mother is in old age and needs constant care. Children are studying in Bilaspur and yet to complete their education. His transfer will adversely impact their studies. In the end, the applicant has requested that either his transfer order dated 24.9.15 be cancelled or he may be adjusted against one of the choice of station i.e. (i) Darlaghat, (ii) Kunihar, (iii) NH Jukhala (iv) Bilaspur-I and (v) Bilaspur-3.

Contd/-Page-2

And whereas, as per direction of the Hon'ble Court, the applicant and respondent No.2 have been heard in person on 3.11.2015 and 9.12.2015 respectively. During the course of hearing both the applicant as well as respondent-2 have stated that they have short stay at their present place of postings and they shall be allowed to continue as such.

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. The applicant is a Class-I (Gazetted) Officer and as per comprehensive guiding principles for regulating the transfer of the State Govt. employee issued by the Department of Personnel vide OM dated 10.7.2013, in para-10, it is clearly stipulated that the condition of short stay is not applicable in respect of Gazetted Officer. The Government can transfer any officers at any time irrespective of stay in view of administrative exigency in the public interest. Hence, the plea taken by the applicant that he has been transferred within a short span of 05 months, is not a genuine ground for challenging transfer order which have been approved by the Competent Authority by condoning short stay. However, taking a lenient view on account of adverse family circumstances of the applicant, it has been decided to allow him to continue in Sub-Division, HP,PWD Arki upto the financial year closure.

Now therefore, in the light of findings recorded above, the transfer order issued vide this department notification of even number dated 24th September, 2015 in respect of Sh.Ram Singh, Assistant Engineer (Civil) from HP,PWD Sub-Division, Arki to the office of E-in-C, HPPWD Shimla as AE (QA) and Sh.Ravi Bhatti, Assistant Engineer (Civil) from HP,PWD Sub-Division-I, Shimla to HP, PWD Sub-Division, Arki, are hereby withdrawn with immediate effect in the public interest.


Narinder Chauhan


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

Endst.No. As above.
Copy for information to:-

Dated: Shimla-2, the

23rd December, 2015

1. The Accountant General, HP, Shimla-171003.
2. The Engineer-in-Chief, HP,PWD, Nigam Vihar, Shimla-171002.
3. The Chief Engineer (SZ), HP,PWD Shimla.
4. The Superintending Engineer, HPPWD 4th Circle Shimla/Circle Solan.
5. The Executive Engineer (Civil), HPPWD Division No.I Shimla/Division, Arki, Distt. Solan.
6. Sh.Ravi Bhatti, AE(C), HPPWD Sub-Division No.-I, Shimla.
7. Sh.Ram Singh, AE(C), HPPWD Sub-Division, Arki, Distt. Solan.
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

Government of Himachal Pradesh
Department of Public Works

File No.PBW-A-B(6)-5/2013

Dated: Shimla-2, the

23rd December, 2015

ORDER

Whereas, Sh.Surjeet Singh, Assistant Engineer (Civil), PIU Sub-Division, HPPWD Nerwa was transferred as AE, RDD Nalagarh against vacancy and Sh.Yogesh Kumar, Assistant Engineer (Civil), HPPWD Sub-Division, Nerwa was posted as AE, PIU Sub-Division, Nerwa vide this department notification of even number dated 23.09.2015.

Whereas, instead of joining as Assistant Engineer, RDD Nalagarh, Sh.Surjeet Singh, filed an OA No.3702 of 2015 in the Hon'ble HP Administrative Tribunal, Shimla. The OA No.3702 of 2015 was finally disposed of on 30.9.2015 with the direction to the applicant to file representation to Respondent No.1 through Addl. Chief Secretary (PW) to the Govt. of HP within a week from today. The operative portion of the order is as under:-

PARA-6:- In the fact 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 suitable adjustment against an existing/likely vacancy out of at least five such vacancies to be indicated in the representation to meet the requirement under the transfer policy to respondent No.1 through the Addl. Chief Secretary (PW) to the Govt. of HP within a week from today, who shall consider and decide the same in accordance with law, sympathetically and the transfer policy framed by the State Govt. by 31st October, 2015 after affording an opportunity of being heard to the applicant as well as private respondents No.4 & 5, if so desired.

PARA-7:- As the applicant is stated to have already been relieved, he may not be compelled to join the transferred station and avail leave of the kind due, in the meantime, till decision of the representation.

PARA-8:- The original application stands disposed of in the above terms.

Whereas, as per order passed by the Hon'ble HPAT, the applicant viz. Sh.Surjeet Singh, Assistant Engineer has made representation on 16.11.2015 alongwith certified copy of the order dated 30.9.2015. In the representation, the applicant has submitted that he is going to retire from the Govt. service within 18 months (date of retirement 31.5.2017) and as per policy of the Govt., he shall get the station of his choice in case there is no option except to transfer him. He is ready and willing to be adjusted in any one of the following stations in case Govt. consider appropriate not to set aside or amend the transfer order dated 23.9.2015:-

1. HP, PWD Sub-Division Narkanda
2. HPPWD Sub-Division Shimla proper
3. HPPWD Sub-Division, Solan
4. HP, PWD Sub-Division Rajgarh
5. HP, PWD Sub-Division, Haripurdhar
6. HP, PWD Sub-Division, Sangrah

In the end, the applicant has stated that he has worked in most difficult and hard area of the State but now unable to move due to his old age, therefore, he may be given transfer/posting at Shimla proper or at Solan proper. The applicant has prayed that his representation may kindly be considered sympathetically and be given the station of choice at Shimla proper or Solan proper in the interest of justice.

And whereas, as per direction of the Hon'ble Court, the applicant has been heard in person on **15.12.2015** at 4.00 PM. During the course of hearing the applicant has stated that the warm weather of Nalagarh does not suit him. During the entire service, he has mostly served in the Tribal and hard areas and is willing to serve in Kinnaur, Chamba or hard areas of Sirmour District.

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. Presently, there is no post lying vacant in Kinnaur and Sirmour Districts. However, a post of AE to EE, HPPWD Division, Salooni, Distt. Chamba, is lying vacant which is a hard area and it has been decided to post him against the said post.

Now therefore, in the light of findings recorded above, the transfer order issued vide this department notification of even number dated 23.9.2015 in respect of Sh.Surjeet Kumar, Assistant Engineer (Civil) is hereby modified and he is adjusted as AE to EE, HP, PWD Salooni against vacancy with immediate effect. He is directed to join his duties at new place of posting immediately and submit joining report to this department at the earliest.


Narinder Chauhan

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

Endst.No. As above.

Dated: Shimla-2, the

23rd December, 2015

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 (NZ), HP,PWD, Dharamshala.
5. The Superintending Engineer, HPPWD 7th Circle Dalhausie, Distt. Chamba.
6. The Executive Engineer (Civil), HPPWD Division, Salooni, Distt. Chamba.
7. Sh.Surjeet Singh, Assistant Engineer (Civil), Resident of Village and Post Office, Berthin, Tehsil Jhandutta, District, Bilaspur, 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

Government of Hiamachal Pradesh
Department of Public Works

No.PBW-A-B(2)-59/2015 Dated: Shimla-2, the

26th December, 2015

NOTIFICATION

In continuation of this department's notification of even numbere dated 2nd December, 2015, the Governor, Himachal Pradesh is pleased to order that the terms and conditions of re-employment in respect of Sh.Mohinder Singh Parmar, Assistant Engineer (Civil) (Retd.), HPPWD, shall be as under:-

| | | |
|----|--------------------|--|
| 1 | Salary | His pay shall be fixed in accordance with the provisions of HP State Civil Services (Fixation of Pay on Re-employed Pensioners) order, 1988 circulated by the Finance Department vide O.M.No.Fin(C)B(7)-10/84 dated 01.12.1988, O.M. No.Fin-C-B(7)-10/98 dated 8 th September,1999 read with O.M. No.Fin(C)-B(2)-13/2009 dated 19.4.2010 or as amended from time to time. |
| 2 | Duties and Tenure | His tenure of appointment shall be upto 31.3.2016. Provided that the Government can terminate this appointment even before the expiry of the above period by giving notice of one month in advance or paying one month's salary in lieu of notice of one month in case the conduct and performance of the incumbent is not found satisfactory or if the Government decide to fill up the post, in question, by regular appointment, as the case may be. |
| 3 | TA/DA | He shall be entitled to TA/DA as per admissibility to the State Government employees under the concerned rules. |
| 4. | Leave | The provisions of CCS (Leave) Rules,1972 shall not be applicable to the re-employed pensioner and he will also not be entitled to LTC/HTLTC facility. However, he will be entitled to one casual leave for each completed month. |
| 5. | Medical facilities | He shall be entitled to avail medical facilities and grant of reimbursement of Medical Expenses as admissible to Class-I officer of the State Government. |

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|----|--|--|
| 6. | Residential Accommodation | He shall be entitled to the allotment of Government Residential Accommodation, if the Accommodation is available or otherwise he will be entitled to receive House Rent Allowance as per State Government Rules and instructions in this regard. |
| 7. | Gratuity and Death-cum-Retirement Gratuity | He shall not be eligible for Gratuity and Death-cum-Retirement Gratuity for the period of said re-employment. |
| 8. | Other | He shall be entitled to other facilities as admissible to the State Government Employees. |

By Order

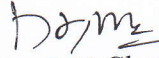
Narinder Chauhan
Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh

Endst. No. As above.

Dated: Shimla-2, the 26th December, 2015

Copy for information and necessary action to:-

1. The Accountant General (A&E), HP Shimla-171003.
2. The Engineer-in-Chief, HP, PWD, Nigam Vihar, Shimla-171002.
3. The Chief Engineer (KZ), HPPWD Dharamshala.
4. The Controller, Printing and Stationery, HP Shimla-5 with a request to publish above notification in Rajpatra.
5. The Superintending Engineer (Civil), HP, PWD 9th Circle, Nurpur.
6. The Executive Engineer (Civil), HPPWD Division, Dehra, Distt. Kangra.
7. The Assistant Engineer (Civil), HPPWD Sub-Division, Jawalamukhi.
8. Sh. Mohinder Singh Parmar, Assistant Engineer (Civil), HP, PWD.
9. The Nodal Officer (IT) O/o ENC for uploading this notification on official website of HPPWD.


(Dr. Sunil K Chaudhary)
Special Secretary (PW) to the
Government of Himachal Pradesh