

**Government of Himachal Pradesh
Public Works Department**

No. PBW-A-E(1)-9/2019

Dated, Shimla-2, the 27th Feb, 2019.

ORDER

WHEREAS, Sh. Kishore Kumar Rawat, Executive Engineer (Mechanical) was transferred from Nahan Foundry, Distt. Sirmour to HPPWD Mechanical Division, Shamshi (Kullu) vice Sh. Girdhari Lal Thakur, Executive Engineer (Mechanical) and vice versa with the approval of the competent authority vide notification dated 16.01.2019;

WHEREAS, in compliance to the orders, Sh. Kishore Kumar Rawat joined at Kullu on 17.01.2019 but Sh. Girdhari Lal Thakur has challenged his transfer orders by way of OA No. 337/2019 before the Hon'ble HPAT and the Hon'ble Tribunal had disposed of the same on 18.1.2019 with the following directions:-

“9. Be that as it may and the respective contentions raised on behalf of the parties apart, as per Entry 13 of Clause 3 of the ‘Comprehensive Guiding Principles-2013 for regulating the transfer of the State Government employees’, Executive Engineers “Will not be posted in their Home Division except design”. In the present case, admittedly, both the applicant and private respondent No. 3 belong to Aut and Tarna, District Mandi, respectively, which fall within the jurisdiction of HPPWD Division Kullu at Shamshi. It being so, both of them are ineligible to be posted in that division.

10. In view of the above, the original application is disposed of with a direction to respondent No.1, through the Additional Chief Secretary (PW) to the Government of Himachal Pradesh, to re-consider the entire matter in the light of the above embargo in the transfer policy prohibiting posting of the Executive Engineers in their home division, as expeditiously as possible, but in any case not later than 31st January, 2019, after

affording an opportunity of being heard to the applicant as well as private respondent No.3."

WHEREAS, in pursuance to the orders passed by the Hon'ble HPAT, personal hearing was afforded to the applicant/petitioner i.e. Sh. Girdhari Lal as well as to the respondent No. 3 i.e. Sh. Kishore Kumar Rawat on 21.02.2019 and during the course of hearing, Sh. Girdhari Lal has contended that Sh. Rawat was promoted specially for the completion of balance work of Nahan Foundry but without completing the assigned work he has been transferred to Shamshi (Kullu) and thus requested to cancel his transfer. He has further informed that distance between Shamshi Division and his home is about 20 Km.;


WHEREAS, on the other hand, Sh. Kishore Kumar Rawat stated that work of Nahan Foundry stands almost completed and he has already submitted survey report of the machinery/material to the SE (Mechanical) being Chairman of the condemnation Board and now further action is required to be taken by the Board. Further, he stated that he has joined at Shamshi on 17.01.2019 in compliance to the notification dated 16.01.2019 and distance between Shamshi Division and his residence at Tarna is about 95 Kilometers ;

WHEREAS, as per official record, it has been found that Sh. Girdhari Lal remained posted at Shamshi (Kullu) for about 08 years w.e.f. 2006 to 2010 and thereafter w.e.f. year, 2014 to 2018 as Assistant Engineer (Mechanical). On his promotion as Executive Engineer (Mechanical) he was posted at Mechanical Division, Bilaspur on 11.1.2018 but within a month he managed his transfer to Kullu Division in the month of February, 2018 and was posted there till issuance of impugned notification dated 16.1.2019. On the other side, Sh. Kishore Kumar Rawat has never worked in Shamshi Division;

WHEREAS, the provisions of the Comprehensive Guiding Principles-2013 for regulating the transfer of the State Government, has also been gone through according to which Executive Engineers cannot be posted in their Home Divisions. In the instant case, jurisdiction of the Executive Engineers (Mechanical) is not

similar to that of Executive Engineer (Civil). The post of Executive Engineer (Mechanical) holds the jurisdiction of about 3-4 districts and also have no direct public dealing, hence, embargo in the transfer policy as discussed above cannot be made applicable/feasible in case of transfer/postings of Mechanical Executive Engineers;

Now, therefore, after having gone through the entire record available as well as verbal submissions made by both the officers, I am of the considered view that an officer who has already rendered more than 09 years of service at same station though in different spells, has no justification/logic to further continue at the same station. Sh. Kishore Kumar Rawat has already joined at Shamshi on 17.01.2019, therefore, Sh. Girdhari Lal is ordered to join at HPPWD, Nahan Foundry, Nahan, immediately and to complete the remaining work of Nahan Foundry, if any, within 03 months. I have also discussed the matter with the Superintending Engineer (Mechanical), HPPWD, Dhalli, Shimla and asked him to furnish the status report about Nahan Foundry, immediately.

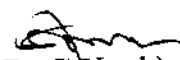

(Manisha Nanda) 27/2/19

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

Endst. No. PBW-A-E(1)-9/2019 Dated, Shimla-171002, 27th Feb, 2019.

Copy for information and necessary action to:-

1. The Engineer-in-Chief, HPPWD, Shimla-171002.
2. The Superintending Engineer (Mechanical), HPPWD, Shimla with the request to provide the requisite report within 7 days positively.
3. Sh. Girdhari Lal Thakur, Executive Engineer (Mechanical), HPPWD Mechanical Division, Kullu U/T to Nahan Foundry, Nahan.
4. Sh. Kishore Kumar Rawat, Executive Engineer (Mechanical), HPPWD Mechanical Division, Kullu.


(D. C. Negi)
Special Secretary (PW) to the
Government of Himachal Pradesh.
(Phone No. 0177- 2880810)