

Government of Himachal Pradesh
Department of Public Works

File No. PBW-A-E(1)-28/2019

Dated: Shimla-2, the

20, June, 2019

ORDER

Whereas, as per direction passed by Hon'ble HP Administrative Tribunal dated 15.11.2018 in OA No.6608/2018 titled as Sh.Anand Kumar, Assistant Engineer (Civil) V/S State of HP and others, the transfer order of Sh.Anand Kumar Assistant Engineer from NH Sub-Division, HPPWD Jeori to HPPWD Sub-Division, Nankhari was cancelled vide this department order No.PBW-A-E(1)-117/2018 dated 15th January, 2019 and Sh.Roop Lal Bhatia, who had joined in NH Sub-Division, HPPWD Jeori on dated 12.12.2018, was transferred/adjusted as Engineer Officer, HPPWD Circle, Solan.

Whereas, Sh.Roop Lal Bhatia, Assistant Engineer, instead of joining as Engineer Officer, HPPWD Circle, Solan, filed CWP No.300/2019 in the Hon'ble High Court with the prayer that the order dated 15.1.2019, vide which transfer order of Sh.Anand Kumar, Assistant Engineer under transfer from NH Sub-Division, HPPWD, Jeori to HPPWD Sub-Division, Nankhari, was cancelled, may be quashed and set aside and he may be allowed to complete his normal tenure at NH Sub-Division, HPPWD, Jeori.

Whereas, the CWP No.300/2019 filed by Sh.Roop Lal Bhatia was finally disposed of by the Hon'ble High Court on dated 27.2.19 and operative part of order passed by Hon'ble Court is as under:-

PARA-2:- We do not find any error in the order passed by the Tribunal which may require interference by this Court. The Writ Petition is accordingly dismissed.

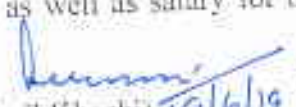
PARA-3:- Faced with this, Ld. Counsel for the petitioner states that some posts are lying vacant in Rampur, HPPWD Division. If it is so, the petitioner may represent to the competent Authority for his adjustment against a vacant post, be that it be in Rampur Division or elsewhere. Let such a representation, if any, be considered by the competent Authority within a period of one week from the date of submission of the representation only against a vacant post and without uprooting any existing incumbent, especially when such an incumbent has not completed his normal tenure.

Whereas, as per order passed by the Hon'ble High Court on 27.2.2019, Sh.Roop Lal Bhatia made representation on 5.3.19 for his adjustment as AE to EE NH

Rampur or AE Design in Rampur Circle against vacant post. However, the representation made by the petitioner was kept pending upto 27.5.2019 due to enforcement of Model Code of Conduct was in force.

And whereas, now, the undersigned has gone through the record of the case as well as submissions made by the petitioner in his representation dated 5.3.2019. Although, Sh.Roop Lal Bhatia, AE has made request for adjustment as AE to EE, NH Rampur but there is no sanctioned post of AE to EE in NH Rampur. therefore, he cannot be adjusted against the said post. However, as per second option of the petitioner, presently a post of AE (Design) is lying vacant in HPPWD Circle Rampur. Hence, it is considered appropriate to adjust Sh.Roop Lal Bhatia, against the said vacancy.

Now therefore, in the light of above discussion. Sh.Roop Lal Bhatia, Assistant Engineer (Civil) under order of transfer from NH Sub-Division. HPPWD Jeori to HP.PWD Circle Solan as Engineer Officer, is hereby adjusted as Assistant Engineer (Design), HPPWD Circle, Rampur against vacancy with immediate effect. The order with regards to regularization of disputed period as well as salary for the said period, will be issued separately.



(Anil Khachi) 19/6/19
Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh
20, June, 2019

Endst.No. As above

Dated: Shimla-2, the

Copy for information and necessary action to:-

1. The Engineer-in-Chief, HP.PWD, Nigam Vihar, Shimla-171002.
2. The Controller, Printing and Stationery, HP Shimla-5 with a request to publish above notification in Rajpatra.
3. The Superintending Engineer, HPPWD, Rampur/NH Circle Shimla/Solan.
4. The Executive Engineer (Civil), HPPWD NH Division, Rampur.
5. Sh.Roop Lal Bhatia, AE u/t from NH Sub-Division, HPPWD, Jeori to EO HPPWD Circle Solan.


(D.C.Negi)
Special Secretary (PW) to the
Government of Himachal Pradesh