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Government of Himachal Pradesh
Department of Public Works

File No.PBW-A-E(1)-138/2016

Dated: Shimla-2, the

7th March, 2017

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. Against the said transfer order, Sh.Rajeev Thakur, AE had filed OA No.3158/16 which was finally disposed of by the Ld. Tribunal on 1.7.2016 with the direction to the applicant to make a representation to the undersigned who will decide the same within 10 days after affording an opportunity of being heard to the applicant. The representation of the applicant was received on 13.7.16 and after giving him a personal hearing to the applicant and going through the entire record of the case, his request to allow him to continue in S/D Tounidevi or to adjust him in Hamirpur was rejected and he was directed on 3.8.16 to join his duties in RDD Sarkaghat within 10 days.

Whereas, Sh.Rajeev Thakur, Assistant Engineer (Civil), HPPWD Sub-Division, Tounidevi, instead of joining in Rural Development Department, Sarkaghat, had filed another OA No.3831/2016 in the Ld. Tribunal for the cancellation of his transfer on the ground that he has been transferred on the DO note of Ex-MLA who is not a public representative.

Whereas, OA No.3831/16 filed by Sh.Rajeev Thakur was finally disposed of on 14.12.16 and the operative portion of the order is as under:-

PARA-4:- In the facts and circumstances and interest of justice, the original application is disposed of with a direction that the applicant may file a comprehensive representation supported by documents, with a request for cancellation of his transfer or suitable adjustment including adjustment against likely vacancy in the o/o S.E. 8th Circle, Hamirpur before 1st Respondent through the Additional Chief Secretary (PW) to the Govt. of H.P. within seven days from the date of receipt of a certified copy of this order, 1st respondent shall consider and decide the same in accordance with law and the transfer policy within ten days. Needless to add that the applicant shall be afforded an opportunity of being heard, if so desired. The applicant shall produce a certified copy of this order before him within three days.

PARA-5:- Till decision on the representation, status quo as on date be maintained quo the applicant.

Whereas, as per order passed by the Ld. HPAT, the applicant i.e. Sh.Rajeev Thakur, Assistant Engineer has made representation on 16.1.2017 alongwith certified copy of the order dated 14.12.2016. In the representation, the applicant has submitted that his transfer was made on DO note without TTA/JT though he has not made any request. His son is studying in plus two class which is a career class and any disturbance would cost him his studies. In the end, the applicant has requested that either he may be retained at present place of posting or accommodated in 8th Circle, Hamirpur showing compassion towards him.

And whereas, as per direction of the Ld. Tribunal dated 14.12.2016, the applicant was given a personal hearing on 18.2.2017, during the course of hearing the

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applicant has made similar submissions as have been made in his representation dated 16.1.2017 and also stated that he is discharging the duties of Assistant Engineer.

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 personal hearing. The entire incumbency of the applicant is as under:-

Name	Sh.Rajeev Thakur
Date of birth	11.11.65
Home S/D	Hamirpur
Date of Apptt. as JE	17.10.88
JE Div. Nirmand	17.10.88 to 7.9.91
JE Div Hamirpur	8.9.91 to 24.6.95
JE Div. Kaza	25.6.95 to 10.6.98
JE Div. Hamirpur	11.6.98 to 17.5.02
JE Div. Tounideiv	18.5.02 to 28.1.04
JE Div. NH H/Pur	29.1.04 to 15.6.07
JE Div. Hamirpur	16.6.07 to 13.5.11
JE Circle Hamirpur	14.5.11 to 4.9.14
Charge AE S/D Nagrota Surian	5.9.14 to 18.9.14
CMU D/Sala	18.9.14 to 27.9.14 (Not joined)
AE(D) Hamirpur	27.9.14 to 17.10.14
S/D Tounidevi	18.10.14 to 3.5.16
AE Regular S/D Tounidevi	4.5.16 to 28.6.16
u/t RDD Sarkaghat 28.6.16	Stay from HPAT

From the perusal of above incumbency of the applicant, **it is evident that he has completed more then 28 years service and barring 02 tenure as JE i.e. Nirmand and Kaza (where he served for about 06 years), he has served for 22 years in and around Hamirpur within a radius 14 Kms which is his home Sub-Division.** Further, as far as matter regarding studies of his son is concerned, the academic session is going to close within one month and applicant can manage his son studies by taking leave of kind due. In addition, the applicant has been transferred from S/D Tounidevi to RDD Sarkaghat on administrative grounds but not on the basis of DO note. Beside, the State Government vide its Office Memorandum No.Per(AP-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. Moreover, the applicant is working in HPPWD Sub-Division, Tounidevi w.e.f. 18.10.14 and has almost completed his tenure. Hence, the plea taken by the applicant that he may be retained in the Sub-Division, Tounidevi, is not tenable. Although, during the course of

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hearing, the applicant has stated that he is discharging all the duties of Assistant Engineer, but as per information received from the Chief Engineer (HZ), HPPWD Hamirpur vide letter dated 23.2.17, it has been stated that **"no Govt. duty is being performed by Sh.Rajeev Thakur, AE and his salary is being paid to him regularly."** Presently, although a post of Assistant Engineer, CMU Division, HPPWD, Hamirpur is lying vacant but since the work under the said Division, is almost completed, therefore, there is no requirement of filling such a post. In view of this, it is neither possible to retain the applicant in HPPWD Sub-Division, Tounidevi nor to post him in 8th Circle, Hamirpur. However, keeping in view of academic session of son of the applicant, it has been decided to post him as Assistant Engineer, RDD, Hamirpur against vacancy which is a cadre post by the department.

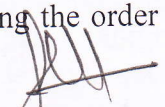
Now therefore, in the light of findings recorded above, the representation made by Sh.Rajeev Kumar, Assistant Engineer (Civil), to retain him in HP, PWD Sub-Division, Tounidevi is rejected. However, since the officer has made request to post him in Hamirpur, therefore, his posting order to RDD, Sarkaghat is hereby withdrawn and is posted as Assistant Engineer, RDD, Hamirpur against vacancy on temporary basis till further orders with the direction to join his duties at his new place of posting within 02 days after issuance of the said order.


(Narinder Chauhan)

Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh
7th March, 2017

Endst.No. As above. Dated: Shimla-2, the
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 Director, RDD, Kasumpti, Shimla-171009.
5. The Chief Engineer (HZ), HP, PWD, Hamirpur.
6. The Superintending Engineer, HPPWD Circle, Hamirpur.
7. The Executive Engineer (Civil), HPPWD Division, Tounidevi. He is directed to relieve the officer within stipulated period. .
8. Sh.Rajeev Thakur, AE (Civil), HP, PWD Sub-Division, Tounidevi, District Hamirpur, HP. **(Through Registered Post).**
9. The Nodal Officer o/o E-in-c, HP, PWD Shimla for uploading the order in official website.


(Hans Raj Chauhan)
Special Secretary (PW) to the
Government of Himachal Pradesh