

**GOVERNMENT OF HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PBW-A-B(6)-8/2018

Dated, Shimla-2

8-3-2019.

ORDER

WHEREAS, Sh. Ajay Kumar, Executive Engineer (Civil) was transferred from HP,PWD Division Dharamshala to Municipal Corporation, Dharamshala vice Sh. Sushil Kumar, Executive Engineer vide this department Notification of even number dated 06.12.2018.

WHEREAS, feeling aggrieved with the above transfer orders, Shri Ajay Kumar, Executive Engineer filed an OA. No. 7255/2018 before the Hon'ble H.P. Administrative Tribunal, Shimla, and while disposing of the OA vide its order dated 31st December, 2018, the Hon'ble Court passed the following directions:-

“Filing of replies is dispensed with. With the consent of the parties, the present original application is taken up for disposal at this stage. 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, taking all the grounds as set up in the original application, to respondent No. 1, through the Additional Chief Secretary (PW) to the Government of Himachal Pradesh, within three 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 31st December, 2018 after affording an opportunity of being heard to the applicant as well as private respondent No. 2.”

WHEREAS, in pursuance to the orders passed by the Hon'ble HPAT, personal hearing was afforded to the applicant as well to the respondent No. 2 on 29.01.2019. The applicant Sh. Ajay Kumar, EE submitted that he is being transferred time and again since his joining service and therefore, requested that he may either be allowed to continue at present place of posting as EE, Dharamshala, HP,PWD Division or may be adjusted in the vicinity of Kangra. On the other hand, Shri Sushil Kumar,EE (Civil) has submitted that he has already joined as EE, HPPWD Division Dharmashala and as such, he may be allowed to continue there;

WHEREAS, after hearing both the parties, representation of Sh. Ajay

posted/adjusted at newly created HPPWD Division, Bhawarna, Distt. Kangra. However, meanwhile, on administrative grounds the said orders were withdrawn vide order dated 30th January, 2019 and the applicant was asked to indicate another stations of his choice;

WHEREAS, the said Sh. Ajay Kumar submitted representation dated 25.02.2019 and stated that he is left with two years of service and requested either to retain him as EE, HPPWD Division, Dharamshala or be posted at one the these Divisions i.e. Palampur, Baijnath or Bhawarna;

WHEREAS, after having gone through the available record as well as submissions made by the applicant it has been found that Sh. Ajay Kumar was transferred within same station i.e. Dharamshala Division to MC, Dharamshala and all the choice of stations indicated by him except Bhawarna have already been filled up and the charge of newly created Bhawarna Division has been assigned to EE, Palampur in addition to his own duties on administrative grounds. Hence, it would not be administratively feasible to adjust/post him against these stations. However, contention put forth by the applicant that he may be retained as EE, HPPWD Division, Dharamshala on the ground that he is left with only 02 years of service, holds no justification since he has not been transferred to tribal/hard area but has been transferred within the same station i.e. Dharamshala;

Now therefore, after due consideration of the facts and circumstances representation is disposed of with the direction to Shri Ajay Kumar, Executive Engineer (Civil) to join as Executive Engineer, Municipal Corporation, Dharamshala and send charge assumption report to this department immediately.

Manisha Nanda
8/3/19

(Manisha Nanda)

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

Endst. No. as above.

Dated:

08/03/2019

Copy is forwarded to the following for information & necessary action:-

1. The Ld. Addl. Advocate General, HPAT, Shimla-171002.
2. The Engineer-in-Chief, H.P. PWD Nirman Bhawan, Shimla-1710023..
3. The Chief Engineer (Kangra Zone), HPPWD, District Kangra, HP.
4. The Controller, Printing & Stationary, HP Printing Press, Shimla-5.
5. The SE, HP,PWD 5th Circle Palampur, District Kangra. HP.
6. Sh.Ajay Kumar, Executive Engineer (Civil), HP,PED Division, Dharmashala, District Kangra,HP.
7. The Nodal Officer, IT, O/O ENC, PWD, Shimla-2.

A. Negi
(D.C. Negi)

Special Secretary (PW) to the
Government of Himachal Pradesh