

Government of Himachal Pradesh
Department of Public Works

File No.PBW-A-E(1)-13/2019

Dated: Shimla-2, the

8th March, 2019

ORDER

Whereas, Sh.Swaroop Kumar Dhiman, Assistant Engineer (Civil) u/t from HP,PWD Sub-Division, Garolla to HPPWD Sub-Division, Jawali, was adjusted/posted at HPPWD Sub-Division, Haripurdhar vice Sh.Bharat Bhushan and Sh.Bharat Bhushan, Assistant Engineer was transferred/posted in HPPWD Sub-Division, Jawali vide this department notification No.PBW-A-B(6)-21/2016 on dated 11.1.2019. In compliance to the notification dated 11.1.2019, Sh.Bharat Bhushan, AE had joined in S/D Jawali on 17.1.2019 whereas, Sh.Swaroop Kumar Dhiman, AE instead of joining in S/D Haripurdhar, had filed OA No.393/19 in the Hon'ble HPAT. The said OA was finally disposed of on dated 24.1.2019 with the following direction:-

PARA-6:- In the facts and circumstances and interest of justice, the OA 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 cancellation of the transfer in the first instance or suitable adjustment against an existing/likely vacancy, to respondent No.1, through the ACS (PW) to the Government of Himachal Pradesh, 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 28th February, 2019, after affording an opportunity of being heard to the applicant as well as private respondent No.3.

PARA-7:However, in the meanwhile, in case the applicant has not already been relieved as on 23.1.19 (the date of institution of the OA), further action in that regard shall be deferred till decision of the representation.

As per order passed by the Hon'ble HPAT on 24.1.19, the applicant has made representation that vide order dated 6.8.18 he was transferred from S/D Garolla to S/D Jawali but due to single line administration, and non joining of substitute, he could not join at Jawali. On 10.12.18, he was issued show cause notice for non compliance of order dated 6.8.18 for which he has explained his position on 19.12.18. Now, vide notification dated 11.1.19 he has been ordered to be transferred to S/D Haripurdhar which is difficult area. The applicant has further submitted that he has been transferred as a measure of punishment due to the reason that he had not joined at Jawali. He is due for retirement on 31.3.2020 and has

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left 01 year and 01 month for retirement. At this stage, he has been transferred to a distance of 450 Kms. In the end, the applicant has requested that his transfer order may kindly be withdrawn and be allowed to join at Jawali in pursuant to notification dated 6.8.18.

Whereas, as per direction passed by the Hon'ble HP Administrative Tribunal on 24.1.19, the applicant as well as respondent No.3 have been given personal hearing. During the course of hearing, the applicant has requested that keeping in view of his retirement on 31.3.2020, he may kindly be adjusted at HPPWD Sub-Division, Holi against vacancy. Whereas, the respondent No.3 has submitted that in compliance to the Govt. order dated 11.1.2019, he has joined in Sub-Division, HPPWD, Jawali on 17.1.19 and may kindly be allowed to continue.

The undersigned has gone through the record of the case as well as submissions made by the applicant as well as respondent No.3 during the course of the hearing. The transfer order of the applicant as well as respondent No.3 were issued after the approval of Competent Authority on 11.1.2019. In compliance, the Respondent No.3 has already joined in Sub-Division, HPPWD, Jawali on 17.1.2019. Therefore, it is not feasible to cancel the transfer order of Sh.Swaroop Kumar Dhiman, u/t from Sub-Division, Garolla to HPPWD Sub-Division, Haripurdhhar. However, a post of Assistant Engineer, Sub-Division, HPPWD, Holi is lying vacant since 1.3.2019 due to retirement. Keeping in view of request of Sh.Swaroop Kumar Dhiman, AE during the course of hearing as well as, retirement within 01 year, it is considered appropriate to adjust Sh.Swaroop Kumar Dhiman, AE u/t from S/D Garolla to HPPWD S/D Haripurdhhar, at HPPWD S/D Holi against vacancy.

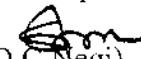
Now therefore, in the light of above discussion, Sh.Swaroop Kumar Dhiman, Assistant Engineer under transfer from Sub-Division, HPPWD Garolla to HP,PWD Sub-Division, Haripurdhhar, is hereby adjusted/posted in Sub-Division, Holi against vacancy without TTA/JT. The officer is directed to join at new place of posting immediately and send charge report of relinquishment/assumption to this department immediately.


(Manisha Nanda)

Addl. Chief Secretary (PW) to the
Government of Himachal Pradesh
8th March, 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, Dalhausie/Nahan.
4. The Executive Engineer (Civil), HPPWD Division, Bharmour/Sangrah.
5. Sh.Swaroop Kumar Dhiman, AE u/t from S/D Garolla to S/D Haripurdhhar.


(D.C.Negi)

Special Secretary (PW) to the
Government of Himachal Pradesh