

GOVERNMENT OF HIMACHAL PRADESH
IRRIGATION & PUBLIC HEALTH DEPARTMENT

No.IPH(A)2(B)5-47/2015

Dated: Shimla-171002, the 24/9/2018

ORDER

WHEREAS Shri Daler Singh, Assistant Engineer (who was under orders of transfers from IPH Sub Division, Baijnath to IPH Sub Division, Sarahan (under IPH Division, Nahan) was adjusted at IPH Sub Division, Lambagaon (under IPH Division, Thural) vice Shri Raj Kamal, Assistant Engineer who was further posted at IPH Sub Division, Sarahan (under IPH Division, Nahan) vide this Department's Notification No. IPH(A)2(B)6-21/2018 dated 1.9.2018.

WHEREAS in compliance to the above Notification, Shri Daler Singh, Assistant Engineer joined his duties at IPH Sub Division, Lambagaon on dated 4.9.2018 whereas Shri Raj Kamal, Assistant Engineer had filed an O.A. No. 5345/2018 titled Raj Kamal vs State of H.P in the Hon'ble Administrative Tribunal.

WHEREAS the Hon'ble Administrative Tribunal vide its order dated 5.9.2018 passed the following orders in OA No. 5345/2018:-

" Filling of replies on behalf of respondent No.1 and 2 and issuance of notice to private respondent No.3 are dispensed with. The consent of the appearing parties, the original application is taken for disposal at this stage.


In the facts and circumstances of the case, the original application is disposed of with a direction that the applicant may file a comprehensive representation for cancellation of his transfer or suitable adjustment to 1st respondent through the Secretary(IPH) to the Govt. of Himachal Pradesh within five days. 1st respondent shall decide the same after affording an opportunity of being heard to the applicant as well as private respondent No.3, if so desired, by 24th September, 2018. The applicant, in the meanwhile, be not compelled to join at the transferred station and shall avail leave of the kind due.

WHEREAS in compliance to the above directions of Hon'ble Administrative, the applicant tendered his representation on dated 12.9.2018 wherein the applicant has requested to cancel his transfer orders.

WHEREAS in pursuance to the orders of the Hon'ble Administrative Tribunal, the applicant as well as the private respondent were afforded an opportunity of being heard on 20.9.2018. During the course of personal hearing, both of the officers have requested to continue them at IPH Sub Division, Lambagaon.

WHEREAS after going through the entire record of the case and from the perusal of service particulars, both the Assistant Engineers mostly remain posted nearby their home town throughout their service career. The applicant as well as the private respondent is holding Class-I Gazetted post. They can be posted anywhere in the State in the exigencies of public services. Moreover, as per the prevailing transfer policy of the State Government, condition of stay is not applicable in the case of Class-I Gazetted officer. Hence, hardly there is any merit in the representation of the applicant. However, keeping in a view a lenient view, it has been decided to adjust Shri Raj Kamal, Assistant Engineer at Shah Nehar Project Sub Division, Thakurdwara against vacant post.

NOW THEREFORE, in supersession of all the previous orders, Shri Daler Singh, Assistant Engineer shall continue at IPH Sub Division, Lambagaon and Shri Raj Kamal Assistant Engineer is hereby posted at IPH Shah Nehar Project Sub Division, Thakurdwara against vacant post. Both the officers are directed to report compliance. Accordingly, the representation of the applicant is disposed off.


(Devesh Kumar)
Secretary (IPH) to the
Government of Himachal Pradesh

REGISTERED


Shri Raj Kamal
Assistant Engineer
IPH Sub Division, Lambagaon
Division, Thural Distt. Kangra(HP)

Endst. No. As above

Dated:- 24/9/2018

Copy forwarded for information and necessary action to the:-

1. The Engineer in Chief, IPH Department, US Club, Shimla.
2. The Engineer in Chief (Project) IPH Department, Kangra
3. The Chief Engineer, IPH Zone, Shimla/Dharmshala
4. The Superintending Engineer, IPH Circle, Nahan/Dharmshala.
5. The Executive Engineer, IPH Division, Thural/Nahan/SNP Division, Sansarpur Terrace.
5. Shri Daler Singh Assistant Engineer. He is directed to hand over the charge of the post of Assistant Engineer IPH Sub Division, Lambagaon immediately and report compliance.
6. Personal/Guard file.


(O.P. Bhandari)
Deputy Secretary (IPH) to the
Government of Himachal Pradesh
Phone No.0177-2626097