

GOVERNMENT OF HIMACHAL PRADESH
DEPARTMENT OF IRRIGATION & PUBLIC HEALTH

No. IPH(A)2(B)2-46/2018

Dated: Shimla-171002, 24-1-2019

NOTIFICATION

Whereas Hon'ble H.P. Administrative Tribunal vide its order dated 2.11.2018 in OA No. 6284/2018-Rakesh Kumar & others vs State of HP & others passed the following orders:-

“Replies on behalf of respondent No.1 to 2 be filed by the next date of hearing.

However, in the meanwhile, in case promotions to the post of Assistant Engineers are made henceforth, the same shall be strictly in accordance with the Recruitment and Promotion Rules (in short R&P Rules) and out of private respondent No.3 To 69, the cases of only those, who have been promoted as Junior Engineers within the quota as per roster points provided under the R&P rules, shall be considered for promotion to the next higher post of Assistant Engineer”

2. And whereas the Hon'ble Tribunal vide its further order dated 4.12.2018 in OA No.6284/2018 and in MA No.2954 of 2018, passed the following orders:-

“ Replies be filed within six weeks.

However, in sequel to the interim orders dated 2.11.2018, in case promotion No.1 and 2 order further placement or deployment etc. of Junior Engineers as Assistant Engineer other than already ordered vide notification dated 12th November, 2018, Annexure A/7, the respective cases of the applicants shall also be considered similarly and person junior to them would not be placed, deployed etc. over and above them, till further orders”

3. And whereas this matter pertains to the placement of Junior Engineer(s) Diploma holders to the post of Assistant Engineer (Civil). At present, three posts of Assistant Engineer (Civil) of the share of Diploma holder Junior Engineers (General category) are lying vacant and these posts are to be filled up from amongst the diploma holder Junior Engineer (civil) General category candidates strictly as per seniority of Junior Engineers subject to fitness.

gpi

4 And whereas the report of applicants & the private respondents 3 to 69 was called from the E-N-C(IPH). As per report given by the ENC(IPH), the promotions of the private respondent No.3 to 28 were made against promotional quota and as per roster point as prescribed in the R&P Rules of Junior Engineers in force at that time. The Respondents No. 29 to 69 were made as Junior Engineer against the quota of direct recruitment (Batch-wise) in relaxation of R&P Rules for which the approval was given by the Government. Though the orders refer to their promotion but since they were considered against the direct recruitment quota and in the roster/seniority list of Junior Engineers, they have been assigned/placed against the slot of direct recruitee and exhausted the direct batch-wise quota, hence for all intents and purposes, they are said to be direct recruitees. As such, there is no dispute for considering them for placement to the post of Assistant Engineer (Civil)

5. And whereas the private respondent No.3 to 20, 48 (SC Category) and 49 (SC category) stands already placed as Assistant Engineer (Civil) before passing of the above mentioned orders.

6. And whereas as per the final seniority list of Junior Engineer (civil), the incumbents upto seniority No.401 have either been promoted or retired. Therefore, further placement is required to be done from the seniority position from 402 onwards. However, as per the orders passed by the Hon'ble Tribunal on dated 4.12.2018, the applicants, are considered for their placement, and on consideration their position that emerges is given as under:-

<u>Applicant No. in OA No.6284/2018</u>	<u>Seniority No.</u>	<u>Name</u>	<u>Remarks</u>
1	569	Rakesh Kumar	Since Shri Rakesh Kumar, JE has not completed 07 years of required service as prescribed in the R&P Rules and he is quite junior in the seniority list of the Junior Engineers, as such, not found fit for placement as Assistant Engineer (Civil).
2	568	Raj Kumar	.do.
3	562	Deepak Kumar	.do.
4	596	Chet Ram Chaudhary	.do.
5	707	Mustak ali	.do.
6	571	Piare Lal	.do.
7	586	Ram Pal	.do.
8	603	Rajesh Kumar	.do.
9	576	Jai Singh	.do.

Yan

10	598	Yash pal	Since Shri Yash Pal, JE has not completed 07 years of required service as prescribed in the R&P Rules and he is quite junior in the seniority list of the Junior Engineers, as such, not found fit for placement as Assistant Engineer (Civil).
11	557	Anil Kumar	.do.
12	580	Ashish Kumar Thakur	.do.
13	556	Raj Kumar	.do.
14	552	Tikeshwar Thakur	.do.
15	555	Dharampal Gupta	.do.
16	587	Stendery Chaudhary	.do.
17	618	Ram Lal Thakur	.do.
18	602	Surajmani	.do.
19	579	Hans raj Kaushal	.do.
20	610	Jitender Kumar	.do.
21	592	Sohan Lal	.do.
22	570	Mahender Singh	.do.
23	553	Shambhu Ram	.do.

The detail position from seniority No.399 onwards is given as under:-

<u>Seniority No.</u>	<u>Name</u>	<u>Eligible/ ineligible</u>	<u>Remarks.</u>
402	Gafoor Ahmed (being private respondent No.21)	Ineligible	For want of educational qualification as per R&P Rules.
403	Ishwar Dass (being private respondent No.22)	ineligible	.do.
404	Nand Lal (being private respondent No.23)	Ineligible	.do.
405	Rajinder Prasad	ineligible	Expired

Yari

406	Shashi Pal (being private respondent No. 24)	Ineligible	For want of educational qualification as per R&P Rules.
407	Om Prakash	Ineligible	Since retired
408	Gian Chand	Ineligible	Since retired
409	Om chand	Ineligible	Since retired
410	Dutt Ram	Ineligible	Since retired
411	Het Ram	Ineligible	Since retired
412	Roshan Lal	Ineligible	Since retired
413	Tashi Cherring	Ineligible	Since retired
414	Bhushan Lal	Ineligible	Since retired
415	Kishori Lal	Ineligible	Since retired
416	Teerath Ram	Ineligible	Since retired
417	Mohan Lal	Ineligible	Since retired
418	Nazeer Mohd.	Ineligible	Since retired
419	Bheem Singh	Ineligible	Since retired
420	Shamsher Singh	Ineligible	Since retired
421	Gulsher Mohd.	Ineligible	Since retired
422	Jaram Singh	Ineligible	Since retired
423	Awani Kumar	Ineligible	For want of educational qualification as required in the R&P rules.
424	Gian chand	Ineligible	Since retired
425	Bala Ram	Ineligible	Since retired
426	Jugal Kishore (being private respondent No.25)	Ineligible	Expired
427	Kamal singh (being respondent No.26)	Ineligible	Facing Departmental proceeding, as such VCC is withheld, hence not fit.
428	Mastan Singh	Ineligible	Since retired
429	Dilwar Singh	Ineligible	Since retired
430	Satish chander	Ineligible	Since retired
431	Manmohan Krishan	Ineligible	Since retired
432	Mohan Singh	Ineligible	Since retired
433	Kashmir Singh	Ineligible	Since retired
434	Ashok Kumar	Ineligible	Since retired
435	Naresh Kumar (Being private respondent No.27)	Eligible	He was promoted as Junior Engineer as per promotional quota/roster point in accordance with R&P Rules.
436	Malkiat Singh	Ineligible	Since retired
437	Ganga Ram-II	Ineligible	Since retired
438	Ravi Kumar	Ineligible	Since retired

Yes

439	Durga Singh	Ineligible	Since retired
440	Sohan Lal	Ineligible	Since retired
441	Pawan Kumar	Ineligible	Since retired
442	Amit Sood (Being private respondent No.29)	Eligible	Promoted against the batch wise direct recruitment quota.
443	Jagdish Chand (Being private respondent No.30)	Eligible	Promoted against the batch wise direct recruitment quota.

7. And whereas Keeping in view the above position, the detail of eligible Diploma holder Junior Engineers(Civil) for placement to the post of Assistant Engineer (Civil) is as under:-

<u>Sr. No.</u>	<u>Seniority No. as JE</u>	<u>Name of Junior Engineer/DOB</u>
1	435	Shri Naresh Kumar 25.03.1967
2	442	Shri Amit Sood/ 24.11.1967
3	443	Shri Jagdish Chand/ 05.08.1964

8. Now therefore, the Governor, Himachal Pradesh is pleased to order the placement of the following Junior Engineer(Civil) to the post of Assistant Engineer(Civil) in the Irrigation and Public Health Department in their existing pay scale, without any extra remuneration, with immediate effect, in the public interest:-

<u>Sr. No.</u>	<u>Name of Junior Engineer/DOB</u>
1	Shri Naresh Kumar 25.03.1967
2	Shri Amit Sood/ 24.11.1967
3	Shri Jagdish Chand/ 05.08.1964

Yam

The above placement orders are purely as a stop gap arrangement and shall not confer any right to the officer to continuing in the post for regular promotion in future and the officer is liable to be reverted to the lower post anytime without any notice or assigning any reasons thereof. The above placement shall also not confer any right to the officer so placed in the seniority of Assistant Engineer and shall entirely depend upon the final verdict of the various Court cases pending in the Hon'ble Supreme Court of India/Hon'ble High Court/Hon'ble HP Administrative Tribunal.

The Governor, Himachal Pradesh is further pleased to order the posting of the above officer as under:-

<u>Sr. No.</u>	<u>NAME</u>	<u>PLACE OF POSTING</u>
1	Shri Naresh Kumar	IPH Sub Division, Dharampur (under IPH Division, Solan) against vacant post
2	Shri Amit Sood	SMIP Sub Division, Jawali against vacant post.
3	Shri Jagdish Chand	IPH Sub Division, Dhami (under IPH Division, Sunni) against vacant post.

The above officers are directed to join at their new place of posting within three days positively failing which the placements orders shall be withdrawn without any further notice.

BY ORDER


DEVESH KUMAR
Secretary (IPH) to the
Government of Himachal Pradesh

No.IPH(A)2(B)2-46/2018

Dated: Shimla-171002, 24-1-2019

Copy forwarded for information and necessary action to the:-

1. The Engineer in Chief, IPH Department, Shimla-1.
2. The Chief Engineer IPH Zone, Shimla.
3. The Accountant General (Audit) HP Shimla-3.
4. The Accountant General (A&E) Shimla-3.
5. The Superintending Engineer, IPH Circle, Solan.
6. The Executive Engineer, IPH Division, Solan.
7. Concerned officer.
8. Personal files of the officer.


24/01/2019
(P.K. Taak)

Deputy Secretary (IPH) to the
Government of Himachal Pradesh