

**GOVERNMENT OF HIMACHAL PRAESH
IRRIGATION & PUBLIC HEALTH DEPARTMENT**

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No.IPH(A)2(B)5-47/2008

Dated: Shimla-171002, the 5 July, 2017

ORDER

WHEREAS Shri Surinder Kumar, Assistant Engineer was transferred from IPH Sub Division, Bassi (under IPH Division, Bilaspur) to IPH Sub Division No.II Una (under IPH Division, Una-II) vice Shri Pradeep Kumar, Assistant Engineer and vice-versa vide this Department's notification No.IPH(A)2(B)6-6/2015-I dated 2.6.2017.

WHEREAS in compliance to these orders, Shri Surinder Kumar, Assistant Engineer assumed the charge of post of Assistant Engineer at IPH Sub Division No.II Una on 2.6.2017. Against the above transfer orders Shri Pradeep Kumar, Assistant Engineer filed an O.A (OA No.2696/2017) before the Hon'ble Tribunal with the plea that he was transferred from his present place of posting without completing his normal tenure of three years.

WHEREAS the Hon'ble Tribunal vide its judgment dated 13.06.2017 disposed off the petition by passing the following orders:-

" 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 representations 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, to respondent No.1, through the Additional Chief Secretary(IPH) 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 Government, by 15th July, 2017, after affording an opportunity

of being heard to the applicant as well as private respondent No.3. However, in the meanwhile, in case the applicant has not already been relieved as on 12.6.2017 (the date of institution of the original application) further action in that regard shall be deferred till decision of the representation".

WHEREAS in pursuant to the directions of the Hon'ble Tribunal, the applicant tendered his representation to the respondent on 16.6.2017 to cancel his transfer orders for which the applicant cited the reasons that his mother is old and required frequent help and also that his wife is working as Lecturer in GSSS Basoli (Distt. Una).

WHEREAS the applicant as well as private respondent No.2 i.e. Shri Surinder Kumar, Assistant Engineer were afforded opportunity to be heard in person on 30.6.2017.

WHEREAS, I have gone through the relevant record of the case in detail. The applicant remained posted in and around the Una District throughout his service career as is evident from the detail given below:-

- 1 FP Gagret 10/01 to 8/2004
- 2 Division Una-I 9/2004 to 4/2005
- 3 FP Gagret 4/05 to 4/08
- 4 S/D Thural 4/08 to 5/2010
- 5 IPH Circle, Una 7/2010 to 8/2011
- 6 FP S/D Amb 8/2011 to 2/2013
- 7 IPH Sub Division, Mehatpur 1.3.2013 to 20.1.2015
- 8 DRDA Solan on 29.1.2015 (not joined) (Stay from Court)
- 9 IPH Division No.I Una w.e.f. 26.5.2015 (Not joined)
- 10 IPH Sub Division No.II Una 27.6.2015 to 2.6.2017

The applicant has never served in the tribal/hard area. Moreover, the distance between Una and Bassi is just about 40 Kms and is one of the nearest sub divisions to District Una. The applicant is holding class-I Gazetted post and as per the transfer guidelines of the State Govt., the stay is not applicable as far as the Class-I Gazetted employees are concerned. One can be transferred anywhere in the State in the exigencies of public services. The applicant has no right to remain posted at a particular station.

NOW, THEREFORE, keeping in view the above position, the representation of Shri Pradeep Kumar Assistant Engineer is considered and rejected. He is directed to join at IPH Sub Division, Bassi immediately.

R.D.

(R.D.Dhiman)
Principal Secretary (IPH) to the
Government of Himachal Pradesh

REGISTERED

Shri Pradeep Kumar
Assistant Engineer,
IPH Sub Division No.II
Una Distt. Una (HP).

Endst. No. As above.

Dated: - 5-7-2017

Copy forwarded to the following for information and necessary action:-

1. The Engineer in Chief, IPH Department, US Club, Shimla-1
2. The Chief Engineer, IPH Zone, Hamirpur
3. The Superintending Engineer, IPH Circle, Una/Bilaspur
4. The Executive Engineer, IPH Division No.II Una/Bilaspur
5. Shri Surinder Kumar Assistant Engineer. He is directed to take over the complete charge of the post of Assistant Engineer at IPH Sub Division No.II Una immediately.
6. P/F of the officers.
7. Guard file.

M. Jassal

(MAN MOHAN JASSAL)
Deputy Secretary (IPH) to the
Govt. of Himachal Pradesh
Phone No.0177-2628482