

No. IPH-A-PBW (SPL Cell) 2 (B) 3-9/93 Dated Shimla-2, the

6/9/2017
~~6/8/09/2017~~

ORDER

WHEREAS Shri Pardeep Kumar Sharma, Superintending Engineer was transferred from IPH Circle, Nurpur to IPH Zone, Dharamshala vice Shri Subash Kumar Chaudhary, Superintending Engineer and vice versa vide this Department Notification No. IPH-A-(2) 1-7/2016 dated 08-08-2017;

WHEREAS Shri Pardeep Kumar Sharma, Superintending Engineer filed an OA (M) No. 327/2017 titled as Pardeep Kumar Sharma Vs State of H.P. before the Hon'ble HPAT against his transfer orders wherein the Hon'ble HPAT, in its judgement dated 10.0-8.2017, has passed following orders :-

“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 alongwith a certified copy of this order for cancellation of his transfer or suitable adjustment to 1st respondent through Principal Secretary (IPH) to the Government of H.P. within three days. 1st respondent shall decide the same after affording an opportunity of being heard to the applicant as well as private respondent No. 2, if so desired, by 25th August 2017.”

Till decision of the representation, the applicant be not compelled to join at the transferred station.

The pending miscellaneous application(s), if any, also stand disposed of.

WHEREAS in pursuant to above orders, Shri Pardeep Kumar Sharma, Superintending Engineer tendered his representation to the Respondent No.1 on 14-08-2017 ;

WHEREAS the Applicant as well as the Private Respondent i.e. Sh. Subhash Kumar Chaudhary were afforded opportunity to be heard in person on 31st August, 2017 . During the course of hearing, the Applicant requested to cancel his transfer orders.

Continued to next page..

WHEREAS, I have gone through the relevant record of the case in detail. The applicant was placed to the post of Superintending Engineer on 09.05.2017 and was posted at IPH Zone, Dharamshala where he joined as such on 16.05.2017. He was again transferred to IPH Circle, Nurpur on 02.06.2017 and he joined as such at his new place of posting. Again, on 08.08.2017, he was transferred to IPH Zone, Dharamshala against which he obtained stay from the Hon'ble HPAT. It may be mentioned here that in his representation he has mentioned that by his transfer from Nurpur to Dharamshala has resulted in defeating ^{his} legitimate expectation without prior notice. As per Transfer Policy of the Govt. the tenure/ stay is not applicable for Class-I Gazetted officers and they can be transferred at any time in the public interest. No prior notice is desirable. Further it is not expected from a senior officer in the rank SE of Govt. to approach the court in the matter of transfer. This may be taken ^{as} notice for future. However, taking a lenient view and by considering the request of the officer, it was felt that his request may be considered.

NOW THEREFORE, after considering the request, the transfer of Shri Pradeep Kumar Sharma, Superintending Engineer from IPH Circle, Nurpur to IPH Zone, Dharamshala vice Sh. Subash Kumar Chaudhary, SE is hereby cancelled. Accordingly, the representation of the applicant is considered and disposed off.


(ANURADHA THAKUR)
Principal Secretary (I&PH) to the
Government of Himachal Pradesh

Regd.

Shri Pardeep Kumar Sharma,
Superintending Engineer
IPH Circle, Nurpur,
District Kangra (HP)

No. IPH-A-PBW (SPL Cell) 2 (B) 3-9/93 Dated:- Shimla-2, the

6/09/2017

Copy to:-

1. The Engineer-in-Chief, IPH Department, Shimla-1.
2. The Engineer-in-Chief (Project), Fatepur IPH Deptt. Distt. Kangra
3. The Chief Engineer, IPH Zone, Dharamshala Distt. Kangra.
4. Shri Subash Kumar Chaudhary Superintending Engineer, IPH Zone, Dharamshala Distt. Kangra.
5. The Superintending Engineer, IPH Circle, Nurpur Distt. Kangra
6. Personal file of the officers.
7. Guard file.


(Man Mohan Jassal)
Deputy Secretary (I&PH) to the
Government of Himachal Pradesh
Ph.No. 0177-2880848