

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

No.IPH-A-E(3)283/2017

Dated: Shimla-171002, the 29th 2018

ORDER

WHEREAS Shri Praveen Gupta, Assistant Engineer, IPH Sub Division, Sundernagar was transferred to IPH Sub Division, Nalagarh and Smt. Lalita Kumari, Assistant Engineer, IPH Zone, Mandi was posted at IPH Sub Division, Sundernagar vide this Department's Notification No.IPH(A)2(B)6-15/2017 dated 11.10.2017. The above transfer orders were modified vide this Department's Notification dated 12.10.2017 vide which Shri Praveen Gupta, Assistant Engineer was adjusted at Hydrology Cell Mandi against vacant post and Smt. Lalita Kumari, Assistant Engineer was posted at IPH Division, Sundernagar in place of Sh. Mohinder Pal, Assistant Engineer who was further transferred to IPH Sub Division, Sundernagar. In compliance to the above orders Shri Mohinder Pal Assistant Engineer joined his duties at IPH Sub Division, Sundernagar on 13.10.2017 whereas Shri Praveen Gupta, Assistant Engineer filed an OA before the Hon'ble Administrative Tribunal against his transfers orders vide OA No.5507/2017-Parveen Gupta vs State of HP & others. As per the orders/directions of the Hon'ble Administrative Tribunal dated 17.10.2017 and 30.10.2017 in O.A. No.5507/2017, the representation of Shri Praveen Gupta, Assistant Engineer was considered and rejected vide this Department's ORDER No.IPH-A(B)5-5/2011 dated 1.12.2017.

WHEREAS Sh Praveen Gupta, Assistant Engineer again filed OA against the orders issued by this Department on dated 1.12.2017, vide O.A. (O.A. No.6310/2017) before the Hon'ble Administrative Tribunal for cancellation of his transfer orders dated 12.10.2017. The Hon'ble Administrative Tribunal vide its interim orders dated 12.12.2017 stayed the transfer orders dated 12.10.2017, till further orders

WHEREAS the Hon'ble Administrative Tribunal vide its order dated 13.4.2018 in O.A. No. 6310/2017 has passed the following orders:-

“Respondent No.1 had not considered the fact that private respondent No.5 had been posted in home division in violation of clause 3 (16) of the policy. Therefore, order dated 01.12.2017, Annexure A,6, qua the applicant, is quashed and respondent No. 1, through the Principal Secretary(I&PH) to the Government of Himachal Pradesh, is directed to re-consider the representation of the applicant for cancellation of his transfer in accordance with law by

Contd..2/-

5th May, 2018. The applicant shall produce certified copy of this order before respondent No.1 within a week. The original application is disposed of accordingly, so also the pending miscellaneous application(s), if any.

WHEREAS the certified copy of the judgment dated 13.4.2018 was not produced by the applicant as on date rather it was received through O/o the Advocate General only on 10.8.2018. Thus, the case of the applicant could not be decided in time.

WHEREAS in compliance to the above judgment, the applicant as well as the private respondent No. 5 were afforded the opportunity of being heard on 25.8.2018. After going through the service record, it has been found that the Home Sub Division of respondent No.5 i.e. Sh. Mohinder Pal Gupta, Assistant Engineer is Baggi not IPH Sub Division, Sundernagar as has been alleged by the applicant. During the course of personal during, the applicant requested through his representation that he is willing for his transfer to Mechanical Sub Division, Baggi against vacant post instead of cancellation of his transfer orders. During personal hearing Sh. Mohinder Pal Gupta, Assistant Engineer also requested to post him at Mechanical Sub Division, Baggi.

AND WHEREAS the post of Assistant Engineer at Mechanical Sub Division, Baggi is lying vacant and it has been decided to accept the request of the applicant for posting at Mechanical Sub Division, Baggi against vacant post, without TTA/JT. It has also been decided administratively to post Shri Mohinder Pal Gupta, Assistant Engineer at Hydrology Cell, Mandi against vacant post as his above request cannot be considered being Home Sub Division.

AND THEREFORE, the representation of the Shri Praveen Gupta, Assistant Engineer has been re-considered in pursuance to the directions of the Hon'ble Administrative Tribunal dated 13.4.2018 in O.A. 6310/2017 and he is hereby adjusted at Mechanical Sub Division, Baggi against vacant post, without TTA/JT and Shri Mohinder Pal Gupta, Assistant Engineer, IPH Sub Division, Sundernagar is hereby posted at Hydrology Cell, Mandi against vacant post. Both the officers are directed to join their new place of postings immediately. Accordingly, the representation of the applicant is disposed off.

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

REGISTERED

Shri Praveen Gupta
Assistant Engineer
IPH Sub Division, Sundernagar, Distt. Mandi(HP)

