

**Government of Himachal Pradesh
Department of Technical Education**

No. EDN(TE)E(1)14/2019

Dated Shimla-171002, the 11th April, 2022.
ORDER

Whereas, Sh. Ankush Bharti, Contractual Lecturer (Physics) was transferred from Govt. Polytechnic, (W) Kandaghat to Govt. Polytechnic, Kinnaur camp at Rohru vide notification No. EDN(TE)B(6)3/2020, dated 20.12.2021.

And whereas, Sh. Ankush Bharti, filed CWP No. 8107/2021 against his transfer order dated 20.12.2021 and Hon'ble High Court of Himachal Pradesh stayed the operation of the said transfer order vide order dated 22.12.2021.

And whereas, Sh. Ankush Bharti, was regularized as Lecturer (Physics) vide notification No. EDN(TE)B(2)11/2019, dated 23.02.2022, but due to stay orders his posting orders on his regularization could be not issued.

And whereas, Sh. Ankush Bharti, withdrew his CWP at his own and Hon'ble High Court has directed that the petitioner will submit representation to Principal Secretary (TE) within one week and Principal Secretary (TE) will decide the same in two weeks.

And whereas, Sh. Ankush Bharti, represented before Principal Secretary (TE) on 22.03.2022 indicating therein 03 stations of his choice (i) Govt. Polytechnic, College Ambota, Distt. Una (ii) Govt. Polytechnic, College, Lahual Spiti at Udaipur Distt. Lahual & Spiti camp at Sundernagar (iii) Govt. Polytechnic, College, ABVGIET Pragatinagar Gumma, Tehsil Kotkhai against the incumbents already posted there.

And whereas, there were only 02 available vacancies i.e. (i) Govt. Polytechnic, Banikhet (ii) Govt. Polytechnic, Kinnaur camp at Rohru as per record.

And whereas, **vide clause (10) (Normal stay at a place) of Guiding Principal of Transfer Policy dated 10.07.2013, it has specifically been provided that normally the tenure of an officer/official at one station shall be three years which will not be applicable to the Officers of IAS/HPAS/HPPS/HPFS, other allied Services and all Class-I & II Officers. Vide clause (7) of the policy, it has clearly been mentioned that the transfer/posting of contractual employees will be made on need based basis.** Sh. Ankush Bharti, was posted at Govt. Polytechnic(W) Kandaghat on his appointment as Lecturer (Physics) on contract basis where he has joined on 31.01.2019. His transfer order was issued on 20.12.2021 consequent upon completion of 02 years and 11 months service. It is pertinent to note that Lecturers in Department of Technical Education are Class-I Officers, upon whom the tenure duration of 3 years is not applicable. However, Sh. Ankush Bharti instead of complying with the orders, filed a CWP before the Hon'ble High Court against of his transfer orders. Since Sh. Ankush Bharti is a Class-I Officer and as per transfer policy, his claim for completion of three years is baseless and un-justified. Moreover, now he has completed 03 years 02 months at Govt. Polytechnic, (W) Kandaghat.

And whereas, Shri Ankush Bharti had obtained stay from Hon'ble High Court of Himachal Pradesh citing political influence, and on the other hand during the currency of the stay orders, he

himself procured U.O. Notes for adjustment of choice of station from the office of Hon'ble Chief Minister and Hon'ble Technical Education Minister.

And whereas, Sh. Ankush Bharti, has been heard in person on 05.04.2022. During the course of personal hearing Sh. Ankush Bharti expressed willingness for his adjustment at either of the vacant stations i.e. Govt. Polytechnic, Banikhet or Govt. Polytechnic, Kinnaur camp at Rohru. I am given to understand that there are about 102 students in Govt. Polytechnic, Banikhet and 57 students in Govt. Polytechnic Kinnaur camp at Rohru. I am of considered opinion that Shri Ankush Bharti be adjusted at GP Bhanikhet in the interest of students, as the strength of students there is comparatively greater.

Now, therefore by taking a considerate view and as per the request of the representationist it is ordered that Sh. Ankush Bharti, Lecturer (Physics) be adjusted at Govt. Polytechnic, Banikhet, Distt. Chamba in public interest.


(Dr. Rajneesh)

**Principal Secretary(Tech. Edu.) to the
Government of Himachal Pradesh.**

Ends.No. EDN(TE)E(1)14/2019

Dated Shimla-171002, the 11th April, 2022.

Copy is forwarded for information and necessary action to :-

1. The Pr. Accountant General (Audit), H.P., Shimla-171003.
2. The Accountant General(A&E), H.P., Shimla-171003.
3. The Director, Technical Education, H.P., Sundernagar, District Mandi, H.P.
4. The Principal, Govt. Polytechnic,(W) Kandaghat, Distt. Solan. He is directed to service the above said order to Shri Ankush Bharti and send the copy of receipt to this department immediately.
5. The Principal, Govt. Polytechnic, Kinnaur camp at Rohru, Distt. Shimla.
6. The Principal, Govt. Polytechnic, Banikhet, Distt. Chamba.
7. Shri Ankush Bharti, Lecturer (Physics). He is directed to join his duties at G.P. Banikhet immediately.
8. Personal file of the concerned Officer.
9. Guard File.



**(Lalit Vikram)
Under Secretary(TE) to the
Government of Himachal Pradesh.**

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