

Government of Himachal Pradesh
Technical Education Department

No. EDN(TE)E(1)46/2021 Dated Shimla-2, the 16/12/ 2023

ORDER

The present order is being issued in pursuance to directions of Hon'ble High Court in CWP No. 7179/2023-Chandresh Kumar Kaushik V/s State of H.P.&anr. The Hon'ble High Court in the said CWP on dated 03.10.2023 has directed as under: -

“Consequently, in view of above, present petition is disposed of reserving liberty to the petitioner to file a representation, praying therein for cancellation of his transfer or adjustment at one of the vacant stations, as may be detailed in representation, within a week from today, which, in turn, shall be considered by the competent authority expeditiously, preferably within a period of two weeks thereafter, in terms of Comprehensive Guiding Principles/Transfer Policy, wherein admittedly provision has been made to accommodate persons, who are due to retire within a period of two years. Needless to say, authority shall afford opportunity of hearing to the petitioner and pass a speaking order thereafter. Liberty is reserved to the petitioner to file appropriate proceedings, before appropriate court of law, if he still remains aggrieved.

Till the time, representation if filed by petitioner within a week, is decided by competent authority, within the period as stipulated by this court, implementation of impugned transfer order dated 26.09.2023 (Annexure P-2) shall remain stayed. Petition stands disposed of in the afore terms, alongwith all pending applications,”

In compliance to the orders of Hon'ble High Court Shri Chandresh Kumar Kaushik has filed a representation dated nil through his advocate. He was given notice for a personal hearing, and the hearing was given to him on 26.10.2023, and he was given full opportunity to present his case in detail.

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Before taking up the representation of the petitioner, it would be firstly apt to give a brief background of the petitioner's case, which is being in succeeding paragraphs.

The Petitioner, Shri Chandresh Kumar Kaushik, had joined this Department as Instructor Draftsman (Civil) on adhoc/tenure/stop gap arrangement basis on 16.01.1987 and his services had been regularized on 04.03.1995. He had been transferred from Government Industrial Training Institute (PWD) Sundernagar to Government Industrial Training Institute Nahan, District Sirmour on 17/06/2000.

The Petitioner had been promoted to the post of Group Instructor on adhoc basis on 02.05.2011 and posted at Government Industrial Training Institute Kaffota, District Sirmour and further deployed at Government Industrial Training Institute Nahan, District Sirmour on 01.03.2012 and his services had been regularized on 01.08.2012 and posted at Government Industrial Training Institute Nahan, District Sirmour.

The Petitioner had been promoted to the post of Principal on regular basis and posted at Government Industrial Training Institute Nahan, District Sirmour on 11.07.2017.

The Petitioner had been transferred from Government Industrial Training Institute Nahan, District Sirmour to Government Industrial Training Institute KaulawalaBhood camp at Govt, ITI Nahan, District Sirmour on 04.01.2022 and he had also been assigned with the DDO powers of Govt. ITI Nahan, Sarahan and Dhartidhar, District Sirmour.

The Petitioner had been transferred from Government Industrial Training Institute Kaulawala-Bhood camp at Govt. ITI Nahan, District Sirmour to Government Industrial Training Institute Chopal, District Shimla vide this Department notification No. EDN (TE)B(6)-1/2023 dated 26.09.2023.

I have heard the representationist in details, and given deep through to his averments. I have examined his service record and relevant records in detailed. It is obvious from the service history of the representationist that he has spent the greatest part of his career in Sundarnagar and Nahan. Even when he was posted at Kaffota, he had additional charge in Nahan. He has hardly served in any interior area, or had postings in multiple locations – something which is common in the career of most employees of the government. Now, at this late stage of his career when he is nearing retirement, he is making representation for a posting closer to his existing posting.

I profoundly agree that the government should also look after the welfare of its retiring employees, so that they can take care of their personal affairs close to their retirement. At the same time, the administrative exigences of student strength (i.e. 20 trainees) and faculty strength are to be seen while posting any employee, so that the supreme public interest is also served.

Now therefore, after careful consideration of the facts and circumstances of the case, and keeping in view his interest in getting a posting closer to his choice (as per the provisions of the Comprehensive Guiding Principles /Transfer Policy), the existing order is hereby cancelled and he is posted at Government Industrial Training Institute, Bechar-Ka-Bag, District Sirmour, H.P. against vacancy with immediate effect.



Priyatu Mandal
Secretary (Tech. Edu.) to the
Government of Himachal Pradesh

Endst. No. As Above. Dated Shimla-02, 16/12/ 2023.

Copy forwarded to information and necessary action to:-

1. The Pr. Accountant General (Audit), Himachal Pradesh, Shimla-3.
2. The Accountant General (A&E), Himachal Pradesh, Shimla-3.

3. The Advocate General, Himachal Pradesh is requested to apprise the Hon'ble High Court Himachal Pradesh accordingly in the above CWP.
4. The Director, Technical Education, Vocational & Industrial Training, H.P., Sundernagar, District Mandi. The charge of the post of the Principal Government Industrial Training Institute KaulawalaBhood camp at Govt. ITI Nahan, District Sirmour may be given to the Principal of nearest ITI. You are further requested to file compliance affidavit in the Hon'ble High Court Himachal Pradesh.
5. Sh. Chandresh Kumar Kaushik, Principal, Government Industrial Training Institute KaulawalaBhood camp at Govt. ITI Nahan, District Sirmour.
6. The Principal, Government Industrial Training Institute Bechar-Ka-Bag, District Sirmour, H.P.
7. Concerned Officer (By Name).


15/12/23
Special Secretary (TE) to the
Government of Himachal Pradesh