

HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

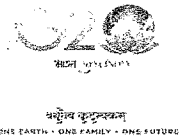
(A State Govt. undertaking)



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IMMEDIATE

No.HPSEBL(SECTT)/R&E-Misc./2023- 43368-548

Dated: 13-9-23

To

**All the Chief Engineers/MD, BVPCL/CAO/
All the Superintending Engineers/
All the Sr. Executive Engineers
in HPSEBL.**

Subject: Non-implementation of transfer orders – instructions thereof.

Sir(s),

It has come to the notice of the management of HPSEBL that certain transfer/posting orders issued by this office, with the specific approval of the competent authority, are not being implemented correctly by field units despite clear instructions. Refer to our letter No. HPSEB (SECTT)/R&E-Misc./2021-7002-7152 dated 29.04.2021 for detailed instructions and note that the Hon'ble High Court of Himachal Pradesh, in CWP No.5801 of 2020 titled Naveen Sharma V/s State of HP & another, has issued the following directions:

The Hon'ble High Court of HP has further held that:

"Such tendency of not reporting at the place of posting and indulging in litigation needs to be curbed as has been observed by the Hon'ble Supreme Court in S.C.Saxena vs. Union of India and others (2006) 9 SCC 583, wherein it was held as under:

"We have perused the record with the help of the learned counsel and heard the learned counsel very patiently. We find that no case for our interference whatsoever has been made out. In the first place, a government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances.

It is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems. This tendency of not reporting at the place of posting and indulging in litigation needs to be curbed...."

Moreover, Govt. of Himachal Pradesh has also issued instructions in this regard vide Notification No.Per(AP-B) E(3)-17/2012-Part dated 4th September 2023 vide which it has been decided that:

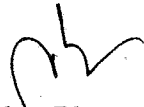
"In order to expedite the joining of under transfer officers/officials to their new place of posting, the government of HP in the Finance Department, vide notification no. Fin(C)B(7)1/2023 dated 24.05.2023 has amended the Central Civil Services (Joining Time) Rules, 1979, stipulating that the joining time admissible for transfer within 30 km or less shall be one day and beyond 30 km shall be five days."

Further it was also observed by the Govt. that "the transfer orders in respect of officials/officers issued with the approval of competent authorities are not being implemented in time as the concerned Controlling Authorities are not relieving the officials/officers under orders of transfer, promptly to the detriment of the public works".

It has, therefore, been decided by the Govt. that "the concerned Controlling Authorities may be directed to relieve the officers/officials promptly and not later than two working days in case of posts not requiring transfer of charge/inventory. In case of posts requiring transfer of charge/inventory, the officers/officials may be relieved not later than five working days. If a transferred is not relieved in this stipulated period, he will be deemed to have been relieved. Failure to comply with these directions may invite disciplinary action under extant rules".

In view of above, all the field officers are once again advised to personally monitor and ensure that all transfer/posting orders issued by the Board are implemented in its letter and spirit, within the prescribed time limit as stipulated by the Govt. of HP vide above referred

notification with further directions, to the individual concerned to join the new place of posting immediately as per the time schedule notified by GoHP and further adopted/ circulated by HPSEBL vide O/O No.HPSEBL(SECTT)R&E. Govt. Instt. Adopt./2022-23-24304-484 dated 22.06.2023. Moreover, it must be noted that since no field officer is competent to grant any extension in joining time, as such, timely compliance is mandatory for all. It may further be noted that in future if any transfer order is not implemented by the field officer or any extension in joining time is given unauthorizedly, action shall be initiated against the Controlling Officer for disobeying the orders of higher authorities as per conduct rules.


**Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171 004.**

Copy for information & necessary action is forwarded to:

1. The PS/APS to worthy Managing Director/Director (Pers.) for kind information of Managing Director/Director please.
2. The all the Deputy/ Under Secretaries of this office for strict compliance.


**Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171 004.**