

	Himachal Pradesh State Electricity Board Limited (A State Govt.undertaking)	
	Registered Office	Vidyut Bhawan, HPSEB, Shimla-4 (HP)
	(CIN) Number	U40109HP2008SGC031255
	GST No.	HPSEBL 02 AACCH4894EH26
	Telephone No.	0177-2803600/2801675(office)/2658984(Fax)
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"ORDER"

WHEREAS, the petitioner namely Sh.Khem Singh son of Sh. Prem Singh presently working as Jr.T-Mate(on contt.basis) in ESD,Saach under Electrical Division, HPSEBL, Killar (Pangl) had filed a CWP No.3073 of 2019 In the Hon'ble High Court of HP Shimla and the aforesaid CWP came up for hearing before the Hon'ble High Court of HP Shimla on 23.10.19 when the following order passed:-

1. ***"The petitioner, who is working as Junior T-Mate is seeking his transfer from ESD,Saach (Pangl Valley), which is a hard/difficult area, to one of the places of his choice, since he has completed his normal tenure in hard/tribal area.***
2. ***Learned counsel for the petitioner submits that since as per the Guidelines, the petitioner has already completed his normal tenure in the hard/difficult area, he is now due to be transferred to a place of his choice. Despite the fact that the petitioner has already completed his normal tenure in the hard area and requested the respondents-State to transfer him to a place of his choice, the respondents have not considered his case. Hence, the petitioner has filed this writ petition seeking a direction to the respondents to transfer him from hard/tribal area to a station of his choice.***
3. ***Mr.Bhim Raj Sharma,Advocate, takes notice for the respondents.***
4. ***We have heard learned counsel for the parties.***
5. ***In view of the fact that the petitioner has completed his normal tenure in the hard/tribal area and is due to be transferred to a place of his choice and he is also stated to have filed a representation(Annexure-P-2) before the respondents, this writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner to adjust him at one of the places of his choice and pass appropriate orders within two weeks from today. Pending miscellaneous applications, if any, are also disposed of accordingly."***

AND WHEREAS, pursuant to above orders dated 23.10.19, the petitioner was under direction to produce certified copy of the orders before the respondent/competent authority to adjust him at one of the places of his choice and pass appropriate orders within two weeks from today.

AND WHEREAS, as per R&P Rules applicable, the post of Jr.T-Mate is a Divisional cadre post and the cadre/seniority of Jr.T-Mate is maintained at Divisional level, as such, Jr.T-Mate can not be transferred out of his Division. Moreover, the post of Jr.T-Mate is filled up 100% by direct recruitment, as such, model roster of reservation is also affected in a particular Division, if transfer of the incumbent (Jr.T-Mate) from one Division to another Division of the HPSEBL is considered. The transfer of the above petitioner from ESD,Saach under Electrical Division, Killar (Pangl) to ESD(s),Tissa or Chamba under Electrical Division,Chamba or ESD,Dalhousie under Electrical Division,Dalhousie i.e. out of Division and seniority dispute may arise, which may result into litigation. Hence, out of Division transfer is not administratively feasible. Also , as per terms & conditions of contract, the new appointees including above petitioner are not allowed out of Division transfer because of Division cadre.

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AND WHEREAS, the undersigned has gone through the contents of the application/representation (Annexure A-1) vide which it appears that the petitioner is working as Jr.T-Mate (purely on contract basis) in ESD,Saach under Electrical Division,HPSEBL, Killar(Pangl) w.e.f.25.5.17 i.e. the date of his initial appointment in the Board and his cadre/seniority is maintained by the Electrical Division, HPSEBL, Killar(Pangl). The petitioner is holding the post of Jr.T-Mate under Electrical Division, HPSEBL, Killar (Pangl) and as per R&P Rules applicable the post of Jr. T-Mate is a Divisional Level Cadre and he can not be considered for his posting out of the said Division. However, the petitioner is holding the post of Jr.T-Mate(on contt.basis) in ESD,Saach under Electrical Division, HPSEBL,Killar(Pangl Valley), as such, the petitioner is hereby transferred from ESD,Saach to ESD,Killar under Electrical Division, HPSEBL, Killar(Pangl Valley) within the same Division against vacancy without TTA/JT with immediate effect.


(Dr. Ashwani Kumar Sharma)
Executive Director (Pers),
H.P.State Electricity Board Ltd.,
Kumar House, Shimla-4.

Registered:

Sh. Khem Singh s/o Sh.Prem Singh,
Resident of village-Cheeh,PO-Sidhot,
Teh-Churah Distt.Chamba(HP) presently
working as Jr.T-Mate in ESD,Saach under ED,Killar(Pangl).
No.HPSEBL (SECTT) FTE-2/321-6(CWP No.3073/2019)/2019-

Copy forwarded to the following for favour of information and necessary action please:-

- (1) The Chief Engineer (OP)North,HPSEBL,Dharamshala.
- (2) The Superintending Engineer (OP)Circle,HPSEBL,Dalhousie.
- ✓ (3) The Superintending Engineer(IT-Cell) in Board's Sectt.Shimla for uploading the same on the website of HPSEBL.
- (4) The Sr.Executive Engineer Electrical Division,HPSEBL,Killar(Pangl). It is the responsibility of the concerned Sr.Xen that the above petitioner may be informed accordingly as well as relieved from his duties immediately being court matter.
- (5) The PS/APS to the ED(Pers) in Board's Sectt.Shimla-4.
- (6) Sh.Bhim Raj Sharma AND Sh.Lakshay Thakur,Advocate, SC-Cum-LA of HPSEBL office of Hotel Diplomate Complex Top Floor Lakkar Bazar,Shimla-1 w.r.t.above please.
- (7) Sh.Neeraj Kumar Shashwat,Advocate in the Hon'ble High Court of HP at Shimla-1 w.r.t.above please.
- (8) Guard file/office order's file.


Executive Director (Pers),
H.P.State Electricity Board Ltd.,
Kumar House, Shimla-4.