

	HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED (A State Govt. undertaking)	
	Registered office	Vidyut Bhawan, HPSEBL, Shimla-171004
	Corporate Identity Number	U40109HP2009SGC031255
	GST No.	HPSEBL 02 AACCH4894EHZB
	Telephone Number	0177-2803600, 2801675 (Office), 2813563 (Fax)
	Website address	www.hpseb.in
Email	md@hpseb.in, directorfa@hpseb.in & edp@hpseb.in	

“OFFICE ORDER”

NO.148/HPSEBL (SECTT)/2024:

Dated:-13/09/2024

WHEREAS, Shri Kulvir Singh, Sr. Executive Engineer, (Elect.) who was repatriated/transferred from the HPPTCL Shimla to Electrical Division, HPSEBL, Fatehpur vice Er. Rajneesh Sharma, Sr.Executive Engineer(Electrical) vide office order No.45 dated 15.03.2024 endorsed. No HPSEBL (SECTT)/ 101-11/2024-84178-328 dated 15.03.2024.

AND WHEREAS aggrieved with above transfer order dated 15.03.2024, Er.Rajneesh Sharma filed CWP- 2258/2024 in Hon'ble High Court of Himachal Pradesh where Hon'ble High Court of Himachal Pradesh stayed the above order on dated 19.03.2024, accordingly, Er.Kulvir Singh, Sr.Executive Engineer (Electrical) stood adjusted in the office of Chief Engineer(MM), HPSEBL, Shimla vide office order No.56 dated 20.03.2024.

AND WHEREAS, the writ petition No.2258 of 2024 came up for hearing before the Hon'ble High Court of HP at Shimla on 17.05.2024 when the Hon'ble High Court of Himachal Pradesh has been pleased to allow the petition and impugned office order dated 15.03.2024 has been quashed to disposed of the said CWP with following directions:-

“.....

6. It is not disputed that the impugned transfer has been effected within six months of the posting of petitioner in Electrical Division, HPSEBL Fatehpur in District Kangra, H.P. Though, no minimum tenure has been prescribed in 'Comprehensive Guiding Principles 2013' for regulating the transfers of State Government employees in respect of Class-I and Class-II Officers, still it does not mean that Class-I and Class-II Officers can be shuttled by way of transfer from one place to other within short spans, save and except, in case of genuine administrative exigencies or public interest. A Division Bench of this Court vide judgment dated 24.10.2018, passed in CWP No. 1863 of 2018, titled as Rattan Chand Vs State of H.P. and Ors., has also observed as under:-
 “Possessing power to transfer Class-I, Gazetted Officer, is one thing and the manner in which such power is exercised is altogether different. Every official, whether Class-IV or Class-I is expected to remain posted for an ordinary tenure of three years or so save where there exist administrative grounds, exigency or public interest demanding his premature transfer.”

7. The allegation of the petitioner that the impugned transfer order has been issued with a purpose to adjust respondent No. 3 is also substantiated from the documents on record placed by the petitioner as received by him under RTI Act. It is revealed that recommendation dated 20.02.2024 was made by Member Legislative Assembly from Fatehpur Constituency to Hon'ble the Chief Minister to transfer and post respondent No. 3 in Electrical Division HPSEBL, Fatehpur against petitioner. Such recommendation was accepted by Hon'ble Chief Minister's office and directions were accordingly issued. Instead of transferring petitioner to Lahal in District Chamba, he was ordered to be transferred to the office of Chief Engineer (MM) HPSEBL, Shimla. As per documents placed on record by petitioner, there is nothing to suggest that the administrative department had applied its independent mind for taking administrative decision. In such circumstances, the impugned transfer cannot be said to be for any administrative exigency or in public interest.
8. Though, the Member Legislative Assembly may have the right to recommend transfer of an employee of State, but the same cannot be ipso facto implemented without their being an independent application of mind by the administrative department as held by a Division Bench of this Court (in which I was one of the Member), vide its judgment dated 08.10.2021, passed in CWP No. 5751 of 2021, titled as Pomila Vs. State of H.P. and Ors. 9. It is also unreasonable and unfair to transfer petitioner within a span of six months merely because respondent No. 3 had opted to be posted at Electrical Division, Fatehpur. Evidently and as noticed above the request, if any, of respondent No.3 for being posted at Electrical Division, Fatehpur was neither independently considered nor accepted by HPSEBL. It was only on the basis of D.O. Note issued by an MLA that the impugned office order was issued. 10. In light of above discussion, the impugned transfer order cannot be sustained. The petition is allowed. The impugned office order dated 15.03.2024, (Annexure P-6), is quashed and set aside qua the petitioner.

AND WHEREAS aggrieved with above orders dated 17.05.2024, Er.Kulvir Singh , Sr.Executive Engineer (Electrical) filed a CWP No.4988 of 2024 titled Kulvir Singh Vs HPSEBL and another where HHC has passed the orders as under on dated 31.05.2024:

“.....

Learned counsel for the respondents to have instructions as to why the representation of the petitioner for his adjustment to a soft area of his choice after rendering services in a tribal area is not being considered and decided, in accordance with law and applicable transfer policy. List on 18th July, 2024.”

AND WHEREAS the above petition No.4988/2024 came up for hearing before the Hon'ble High Court of HP at Shimla on 18.07.2024 when the HHC has been passed the orders as under:

- “ Learned counsel appearing on behalf of the respondent-Board has placed on record instructions dated 18.07.2024, copy whereof has been supplied to learned counsel appearing on behalf of the petitioner.
2. From a perusal of the same, it is evident that the respondent-Board is ready and willing to transfer the present petitioner at M&T Division, HPSEBL, Kangra. Qua the same, the file has been sent to the competent authority in the Government of Himachal Pradesh for approval on account of ban of transfer. Approval qua transferring the petitioner to M&T Division, HPSEBL, Kangra be obtained on or before 5th August, 2024.
 3. In view of the aforesaid, the present petition stands disposed of, so also pending miscellaneous, applications, if any. Needless to say that if in case, the approval is obtained prior to 5th August, 2024 then the transfer be effected forthwith.”

NOW THEREFORE, keeping in view, orders passed in CWP No.2258/2024 titled as Rajneesh Sharma Vs HPSEBL on dated 17.5.2024, Er.Rajneesh will continue in ED Fatehpur and further, Hon'ble High Court passed the orders in CWP No.4988 of 2024, Er.Kulvir Singh is hereby adjusted in M&T Division, HPSEBL, Kangra against vacancy with immediate effect.

The above officers will not be entitled to usual TTA/JT.


(Manoj Kumar)
Executive Director (Pers.)
HPSEBLtd., Vidyut Bhawan,
Shimla-171004

1. Er.Rajneesh sharma, Sr. XEN (E)
O/O Elect., Divn., HPSEB, Fatehpur.
2. Er.Kulvir Singh, Sr.XEN(Elect.)
HPSEBL, ~~Chopal~~ C.E(MM), Shimla

No. HPEBL (SECTT) /Court Case/101-11/2024- 36057-70 Dated:- 13-9-24
Copy forwarded to:-

1. The Chief Engineer, (OP) Kangra/Mandi Zone, HPSEBL, Dharamshala/Mandi.
2. The Chief Accounts Officer, HPSEBL Shimla-4
3. The Superintending Engineer, Operation Circle, HPSEBL, Dlahousie.
4. The Sr.Executive Engineer, Elect., Divn., HPSEBL, Fatehpur/M&T Division, Kangra.
5. The Ms. Sunita Sharma, Sr.Advocate, SC-cum-LA in the Hon'ble H.P.High Court of HP
6. The Sr.PS/PS to Chairman/MD/Directors in HPSEBL.
7. The above named officers/Guard file/ **Board's website.**


Executive Director (Pers.)
HPSEBLtd., Vidyut Bhawan,
Shimla-171004