

**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA**

Dated Shimla-171001, the

May, 2024

In the matter of:

CWP No. 3237/2024 titled as Pawnesh Kumar, TGT (NM) Vs. State of H.P & ors.

Whereas, Sh. Pawnesh Kumar, TGT (NM) preferred CWP No. 3237/2024 titled as Pawnesh Kumar Vs. State of H.P. before the Hon'ble High Court of H.P. regarding his transfer from GSSS(G) Ail District Chamba to the station nearby his native place Distt. Kangra/ Chamba, against vacancy/ longer stayee. The above writ petition was listed before the Hon'ble High Court, Himachal Pradesh on 22.04.2024 when the Hon'ble High Court has passed the following orders:-

"3. Taking into consideration the fact that the requests for transfer were made by the petitioner on 16.11.2023 and 30.12.2023, in terms of Annexure P-1 and Annexure P-2, appended with the petition, this petition is disposed of with the direction that appropriate order on the representations of the petitioner be passed by the competent Authority within a period of four weeks' from today. Further, taking into consideration the fact that the petitioner has already completed more than three years of service at his present place of posting, an endeavor be made to place him at a station of his choice, if possible. However, in case the station of his choice is not available, then, the petitioner may be transferred to some other place which is not a tribal/hard area. Pending miscellaneous applications, if any, also stand disposed of."

In compliance of the aforesaid orders of the Hon'ble High Court the petitioner was called for personal hearing on 07.05.2024. He has attended the same and submitted his representation in this office on 07.05.2024 vide which he has requested that he has completed normal tenure at his present place of posting i.e GSSS(G) Ail District Chamba, H.P. and he further requested that he may be transferred to Distt. Kangra/Chamba, against vacancy/ longer stayee by clubbing his/her previous stay. Petitioner has given five stations of his choice in District Kangra.

Whereas, from perusal of record, it has been found that the petitioner is working at GSSS(G) Ail District Chamba w.e.f. 04.03.2021 and has completed three years at present place of posting. One Sh. Vinay Kumar TGT (NM) is working in GSSS Malahari, Distt. Kangra since 01.08.2022. The petitioner has given willingness for his transfer to the aforesaid school against longer stay by clubbing his previous stay within radius of 30 Kms. Keeping in view of the position stated above, the representation of the petitioner is considered sympathetically, and he is hereby transferred without TTA from GSSS (G) Ail, Distt. Chamba to GSSS Malahari, Distt. Kangra, vice Sh. Vinay Kumar, TGT (NM) against longer stay by clubbing his previous stay within radius of 30 Kms. with TTA/JT to Sh. Vinay Kumar, TGT (NM). The representation of the petitioner is disposed of accordingly.

Endst: No:-EDN-H(2)B(6)1-18/2024-(NM)-dated, Shimla-1

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

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, H.P. Shimla-1.
2. The Deputy Director of Elementary Education, Shimla/Kangra (H.P.)
3. The Principal, GSSS(G) Ail, District Chamba/ GSSS Malahari, Distt. Kangra, H.P.
4. (Regd.) Sh. Pawnesh Kumar S/o Sh. Nanak Chand, R/o Village Ladhwan Khas, P.O. Pail, Distt. Kangra, H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla-1.
6. Guard file.

DIRECTOR शिमला नदशाला हि.प्र.
May, 2024

17 MAY 2024

शिमला-1

DIRECTOR

No: EDN-H (2) B (6)1-18/2024(A)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the

May, 2024

ORDER

In the matter of: CWP No: 1994/2024 -titled as Rekha Devi Vs. State of Himachal Pradesh.

Smt. Rekha Devi, TGT (Arts) has filed CWP No. 1994/2024 titled as Rekha Devi V/s State of H.P. in the Hon'ble High Court, as she is u/t from GSSS, Reckong-Peoo District Kinnaur to GSSS, Basteri Distt. Kinnaur against vacancy and now seeking her adjustment at GMS, Khanog u/c GBSSS, Solan (2) GMS Shamli u/c GSSS, Kothon (Sln.) (3) GMS, Rabon u/c GSSS Bhoj Anji Distt. Solan and GSSS Kothon Distt. Solan against vacancy. The case was decided before the Hon'ble High Court of H.P. on 15.03.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

" Learned counsel for the petitioner has submitted that the petitioner shall be satisfied at this stage in case respondent No.2 is directed to consider and decide the representation of the petitioner in a time bound manner.

Accordingly, the petition is disposed of by directing respondent No.2 to consider and decide the representation of the petitioner within two weeks from the date of presentation of this order, by passing a detailed and reasoned order, strictly in terms of the Comprehensive Guiding Principels-2013. Till the final decision on the representation of the petitioner is taken, the impugned transfer order dated 11.03.2024 (Annexure P-3) qua the petitioner shall remain stayed.

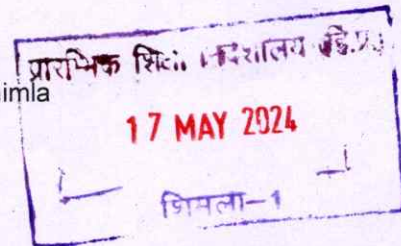
Pending miscellaneous application(s), if any, shall also stand disposed of

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Smt. Rekha Devi, TGT (Arts) has attended the personal hearing on 07.05.2024 and stated that she has completed normal tenure at her present place of posting in Tribal area and being a couple case she has requested for adjustment either to GMS, Khanog u/c GBSSS, Solan (2) GMS Shamli u/c GSSS, Kothon (Sln.) (3) GMS, Rabon u/c GSSS Bhoj Anji Distt. Solan and GSSS Kothon Distt. Solan against vacancy.

From the perusal of record, it is found that Smt. Rekha Devi, TGT (Arts) was transferred from GSSS, Reckong Peo Distt. Kinnaur to GSSS, Basteri Distt Kinnaur against vacancy, with TTA/JT after completion of her normal tenure, with the prior approval of the competent authority, where she was working since March 2021 and has completed her normal tenure at her present place of posting. At present two posts of TGT (Arts) are sanctioned in GSSS, Reckong Peo Distt. Kinnaur out of which one TGT (Arts) is vacant there, she is the only TGT (Arts) is working there, at present 151 students are enrolled in the said school. At present 15 students enrolled in GSSS Batsari and one TGT (Arts) is already working there. If the petitioner adjusted at GSSS Khanog , Distt.Solan on her own request , the students will be left to their fate and will adversely suffer in terms of their study.

Keeping in view the position stated above, representation made by the petitioner i.e Smt. Rekha Devi, TGT (Arts) cannot be considered at this stage and her transfer orders from GSSS Reckong Peo to GSSS Batsari , Distt.Kinnaur is hereby cancelled due to large enrolment of students. The representation of the petitioner is disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla



Endst No.Even dated, Shimla-1, the May, 2024

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 1994/2024.
2. The Deputy Director of Elementary Education, Kinnaur, H.P.
3. The Principal GSSS Recong Peo/ GSSS Basteri, Distt. Kinnaur, H.P.
4. Smt. Rekha Devi, TGT (Arts) GSSS Reckong Peo, Distt. Kinnaur, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

No: EDN-H (2) B (6)1-18/2024(A)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the

May, 2024

ORDER

In the matter of: CWP No: 2772/2024 -titled as Chuni Lal Vs. State of Himachal Pradesh.

Sh. Chuni Lal, TGT (Arts) has filed CWP No. 2772/2024 titled as Chuni Lal V/s State of H.P. in the Hon'ble High Court, as he is seeking transfer from GMS, Khanagu-II u/c GSSS, Salooni Distt. Chamba to GSSS, Jassourgarh Distt. Chamba, GSSS, Chanju Distt. Chamba, GSSS Bharara distt. Chamba, GSSS, Kalhel Distt. Chmaba against Longer stayee. The case was decided before the Hon'ble High Court of H.P. on 02.04.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

"Accordingly, the petition is disposed of with the direction to respondent No. 2 to consider and decide the representation of the petitioner, Annexure P-1, within a period of three weeks from the date of the production of the copy of this order, strictly, in terms of the 'Comprehensive Guiding Principles-2013'.

Pending miscellaneous application(s), if any, shall also stand disposed of

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Chuni Lal, TGT (Arts) has attended the personal hearing on 25.04.2024, he stated that he is working in sub cadre area. He has requested to transfer him at GSSS, Jassourgarh Distt. Chamba, GSSS, Chanju Distt. Chamba, GSSS Bharara distt. Chamba, GSSS, Kalhel Distt. Chmaba against Longer stayee.

From the perusal of record, it is found that Sh. Chuni Lal, TGT (Arts) is working in GMS, Khango-II u/c GSSS, Himgiri Distt. Chamba since 18.03.2021 and has completed his normal tenure at present place of posting. At present the vacancy of TGT (Arts) are not lying vacant in above mentioned schools. The TGT (Arts) i.e. Working in these schools have completed their normal tenure at present place of posting. These schools falls in sub cadre area and as per provision in Clause 14.2 of Comprehensive Guiding Principles 2013 the employee who have served in tribal/hard/remote/ rural areas should not be again sent to these areas. Keeping in view the position stated above, representation of petitioner i.e Sh. Chuni Lal, TGT (Arts) cannot be considered at this stage due to above mention reason. Hence, representation made by the petitioner is hereby rejected and disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the May, 2024

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 2772/2024.
2. The Deputy Director of Elementary Education, Chamba, H.P.
3. The Principal GSSS, Himgiri Distt. Chamba, H.P.
4. Sh. Chuni Lal, TGT (Arts) GMS, Khangu u/c GSSS, Himgiri Distt. Chamba, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education, Shimla.
6. The Guard file.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla



No: EDN-H(2)B(6)1-18/2024(A)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the

16th May, 2024

ORDER

In the matter of:

CWP No. 3285/2024-titled as Daljeet Singh V/s State of Himachal Pradesh and others (Regarding Transfer).

Sh. Daljeet Singh, TGT (Arts) has filed CWP No. 3285/2024 titled as Daljeet Singh V/s State of H.P. in the Hon'ble High Court, and seeking his transfer from GSSS, Railla Distt Chamba (Sub Cadre) District Chamba either to GSSS, Maladi (Kgr), GMS Damoh u/c GSSS, Minjgran Distt. Kangra, GSSS, Tatwali Distt. Kangra, GSSS, Kopra Distt. Kangra. The case was listed before the Hon'ble High Court of H.P. on 23.04.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"This writ petition is accordingly disposed of with the direction that the representation filed by the petitioner be decided in light of the averments made therein within a period of four weeks from today. Pending miscellaneous application(s), if any also stand disposed of accordingly."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Daljeet Singh, TGT (Arts) has attended the personal hearing on 07.05.2024 and stated that he has completed normal tenure at his present place of posting in Tribal area and has requested for transfer either to GSSS, Maladi (Kgr), GMS Damoh u/c GSSS, Minjgran Distt. Kangra, GSSS, Tatwali Distt. Kangra, GSSS, Kopra Distt. Kangra against vacancy.

From the perusal of record, it is found that Sh. Daljeet Singh, TGT (Arts) is working at GSSS, Railla Distt. Chamba (Sub cadre) since February 2021 and has completed three years tenure As per provisions contained in the transfer policy para 16 (16.1) "the normal tenure for transfers in difficult/tribal/hard areas/ most difficult areas will be three years i.e. two winters and three summers. Further as per 16.2 of the policy ibid, the officers/officials transferred from areas as specified as C,D,E (para-15) viz: Difficult areas/hard area/Tribal and most difficult areas/Hard areas/Tribal and most difficult areas who have completed their normal tenure but could not be relieved due to non-joining of substitutes shall be deemed relieved after completion of 4 years. Moreover, at present only two posts of (TGT, Arts) are sanctioned in the GSSS, Railla Distt. Chamba and 291 students are enrolled in the said school, and both the teacher at the same time have filed CWP to transfer them for soft area in Distt. Kangra. If the petitioner is transferred from the school as per his request, the students will be left to their fate and will adversely suffer in terms of their study.

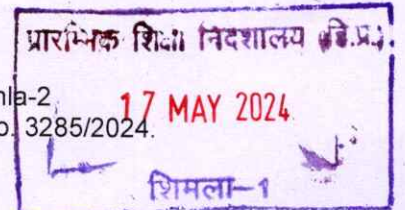
As per facts depicted in penultimate para, the petitioner cannot be transferred without substitute as he has not completed four years (working since Feb, 2021). Presently there is no substitute available with the department, however, recruitment of TGTs is on the cards. Substitute will be provided on priority basis and request of the petitioner will be considered sympathetically. Otherwise also it is always the endeavour of the department to provide adequate staff in the schools located in sub-cadre areas.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the 16th May, 2024

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

1. The Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-2.
2. The District Attorney (Edu) Dte. of Elementary Edu. w. r. t. CWP No. 3285/2024.
3. The Deputy Director of Elementary Education, Chamba, H.P.
4. The Principal, GSSS Railla Distt. Chamba, H.P.
5. Sh. Daljeet Singh, TGT (Arts) GSSS, Railla Distt. Chamba, H.P.
6. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
7. The Guard file.



DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

No: E.ON-H(2)B(6)1-18/2024(A)-Court Case

Directorate of Elementary Education,

Lalpani-Shimla-1 Himachal Pradesh.

Dated Shimla-171001 the

16th May, 2024

ORDER

In the matter of: CWP No. 3056/2024-titled as Renuka Sharma, TGT (Arts) V/s State of Himachal Pradesh and others (Regarding Transfer).

Smt. Renuka Sharma, TGT (Arts) has filed CWP No. 3056/2024 titled as Renuka Sharma V/s State of H.P. in the Hon'ble High Court, and seeking his transfer from GSSS, Railla Distt Chamba (Sub Cadre) District Chamba either to GHS, Gopalpur, GSSS forsythganj, GSSS Kaned, GSSS, Mandal District Kangra. The case was listed before the Hon'ble High Court of H.P. on 10.04.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"The petitioner has filed the instant petition with a limited prayer to direct respondent No.2 to consider and decide her representation, annexure P-2, in a time bound manner. It is submitted that the petitioner has already completed her normal tenure in a hard area and has become now entitled for being posted at a place of her choice in terms."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Smt. Renuka Sharma, TGT (Arts) has attended the personal hearing on 07.05.2024 and stated that she has completed normal tenure at his present place of posting in Tribal area and has requested for transfer either to GHS, Gopalpur, GSSS forsythganj, GSSS Kaned, GSSS, Mandal District Kangra against vacancy.

From the perusal of record, it is found that Smt. Renuka Sharma, TGT (Arts) is working at GSSS, Railla Distt. Chamba (Sub cadre) since February 2021 and has completed three years tenure As per provisions contained in the transfer policy para 16 (16.1) "the normal tenure for transfers in difficult/tribal/hard areas/ most difficult areas will be three years i.e. two winters and three summers. Further as per 16.2 of the policy ibid, the officers/officials transferred from areas as specified as C,D,E (para-15) viz: Difficult areas/hard area/Tribal and most difficult areas/Hard areas/Tribal and most difficult areas who have completed their normal tenure but could not be relieved due to non-joining of substitutes shall be deemed relieved after completion of 4 years. Moreover, at present only two posts of (TGT, Arts) are sanctioned in the GSSS, Railla Distt. Chamba and 291 students are enrolled in the said school, and both the teacher at the same time have filed CWP to transfer them for soft area in Distt. Kangra. If the petitioner is transferred from the school as per his request, the students will be left to their fate and will adversely suffer in terms of their study.

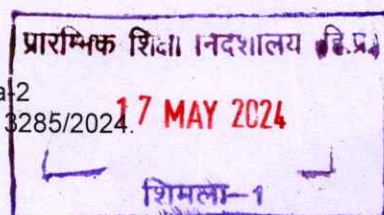
As per facts depicted in penultimate para, the petitioner cannot be transferred without substitute as she has not completed four years (working since Feb, 2021). Presently there is no substitute available with the department, however, recruitment of TGTs is on the cards. Substitute will be provided on priority basis and request of the petitioner will be considered sympathetically. Otherwise also it is always the endeavour of the department to provide adequate staff in the schools located in sub-cadre areas.

**DIRECTOR
Elementary Education
Himachal Pradesh, Shimla**

Endst No.Even dated, Shimla-1, the 16th May, 2024

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1. The Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-2
2. The District Attorney (Edu) Dte. of Elementary Edu. w. r. t. CWP No. 3285/2024
3. The Deputy Director of Elementary Education, Chamba, H.P.
4. The Principal, GSSS Railla Distt. Chamba, H.P.
5. Sh. Renuka Sharma, TGT (Arts) GSSS, Railla Distt. Chamba, H.P.
6. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
7. The Guard file.



**DIRECTOR
Elementary Education
Himachal Pradesh, Shimla**