

No.EDN-H(2)B(6)1-18/2020 (Court Case)

Directorate of Elementary Education
Himachal Pradesh Lalpani , Shimla-1

Dated: Shimla-171001 the,

CWP No. 2065/2020- Rakesh Kumar, TGT (Med) Vs. state of
H.P. and others.

ORDER

In the matter :

The applicant Sh. Rakesh Kumar, TGT (Med) presently working in GSSS, Salgran, Distt. L&S, H.P. has filed CWP. No. 2065/2020 titled as Sh. Rakesh Kumar, TGT(Med) Vs State of H.P and others before the Hon'ble High Court , regarding his transfer from GSSS, Salgran, Distt. L&S, H.P. to his choice of station after the completion of required tenure as per policy. The case of the applicant was listed before the Hon'ble High Court, Shimla-2 on 06.07.2020 when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/order:-

"Consequently, this petition is disposed of with liberty to the petitioner to make fresh representation to the first respondent mentioning therein the five station of his choice, within one week, in accordance with the transfer policy. On receipt of such representation, the said respondent shall decide the same, in the light of the transfer policy occupying the field, and pass appropriate orders, within four weeks. Pending application (s), if any, are closed.

Representation of the petitioner was received through advocate on 15.10.2020. Prior to this the department called the applicant for personal hearing on 14.09.2020 or 28.09.2020 but the applicant failed to attend personal hearing on the scheduled dates.

Vide representation ibid, some schools of Distt. Una, Bilaspur/Mandi and Hamirpur have been mentioned for adjustment. There is vacancy of TGT (Med) only in one school viz: GHS Bhalan (MND) and in rest of the schools there is no vacancy of TGT (Med).

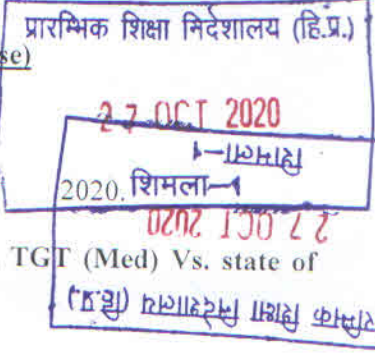
The Hon'ble High Court has directed to consider the case of the applicant as per transfer policy. We have perused the record and it is found that the applicant was appointed in GSSS, Salgran, Distt. L&S in Tribal area on 06.05.2017 on contract basis as TGT (Medical) and he has completed normal tenure/ stay at his present place of posting. But GSSS Salgran (L&S) is in Tribal area and as per transfer policy any employee serving in Tribal /sub cadre area, and has completed 4 years of service can be transferred without substitute but if this period is less then 4 years then substitute is required. At present, the substitute is not available with the Department.

In view of the facts stated above, presently request of the petitioner cannot be considered However, request for transfer of the applicant will be considered sympathetically at the time of promotion/appointment by posting substitute at his place in near future and applicant will be transferred from GSSS, Salgran Distt. L&S to soft area as per availability of vacancies at that time. Accordingly his representation is decided.

Endst. No. Even Dated Shimla-171001.

Copy for information is forwarded to:

1. The Distt. Attorney (Edu.) Directorate of Elementary Education Shimla-1.H.P w.r.t. his U.O No EDN-H(18) LC-109/2020 (L&S) 14.07.2020.
2. The Deputy Director of Elementary Education, L&S H.P.
3. The Principal/ Headmaster GSSS, Salgran Distt L&S H.P.
4. (Regd.) Sh. Rakesh Kumar, S/o Sh. Hans Raj, Village & P.O Karara Tehsil & Distt Hamirpur H.P presently working as TGT (Med) in GSSS Salgran Distt L&S.
5. Guard file.



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