

**ORDER**

In the matter of: CWP No: 4884/2022-titled as Kamal Kant, TGT(Arts) Vs. State of Himachal Pradesh (Regarding Transfer).

Sh. Kamal Kant, TGT(Arts) has filed CWP No. 4884/2022-before the Hon'ble High Court of H.P. regarding transfer from GMSSS Narag, Distt.Sirmour. The case was listed on 27.07.2022, when the same has been disposed of with the following orders :-

*The instant petition by directing the respondents to decide the representation of the petitioner in accordance with the Comprehensive Guiding Principles 2013, for regulating the transfer of State Government employees, dated 10.07.2013, more particularly, in light of the provisions contained in Clauses 12 and 15 thereof. Ordered accordingly. The petitioner may file a supplementary representation and in case the same is filed within one week from today, it shall be considered and decided by the respondents within a period of four weeks by passing reasoned order and compliance affidavit to this effect be filed before this Court on 02.09.2022.*

*Before parting, it needs to be observed that the instant order is being passed in the peculiar facts and circumstances of the case and shall not be treated as a precedent in future.*

*Pending application, if any, also stands disposed of.*

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Kamal Kant, TGT (Arts) was called for personal hearing and appeared before the undersigned on dated 26.08.2022. At the time of hearing he has submitted representation, vide which he stated that he has rendered a service of around 5years in the district Sirmour. He has also stated that his father & mother are about 90 years old and requested that due to family circumstances he may kindly be transferred from GMSSS Narag (Sirmour) to GMS Tiudi / GSSS Kuneran /GSSS Daulatpur/ GMS Hamboli/ GSSS Dharamshala Mahanta, Distt.Una / GSSS Bageri, Distt. Solan.

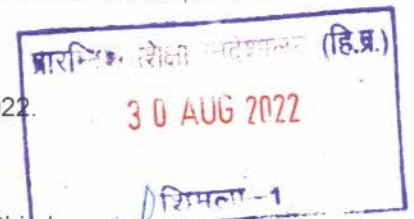
From the perusal of record, it is found that Sh. Kamal Kant, TGT (Arts) is working in GMSSS Narag, Distt. Sirmour since 31.07.2021 and has not completed normal tenure at his present place of posting. As per para 10 of the Comprehensive Guiding Principles-2013, the normal tenure at one station should be three years. **Prior to GMSSS Narag he has served at GHS Sharia u/c GSSS Wasni, Distt.Sirmour w.e.f 06.10.17 to 30.07.2021. Both schools i.e GMSSS Narag & GHS Sharia (Sirmour) are situated on road head and fall in soft area of Distt. Sirmour.** Hence, the case of the petitioner is not covered under clause 12 and 15 of the Comprehensive Guiding Principles-2013. Both the schools i.e GMSSS Narag and GHS Sharia are nearby schools. Keeping in view of the position stated above, the representation of Sh. Kamal Kant, TGT(Arts) cannot be considered, as he has not completed his normal tenure at the present place of posting. Also, there is no provision in the policy to give preference to any official who has served only in soft area irrespective of the tenure. The representation of the petitioner is disposed of accordingly.

DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the August 2022

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 4884/2022.
2. The Deputy Director of Ele. Education, Sirmour at Nahan, H.P.
3. The Principal GMSSS Narag, Distt. Sirmour, H.P.
4. Sh. Kamal Kant, TGT(Arts) GMSSS Narag, Distt. Sirmour, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla
6. The Guard file.



DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla