

DIRECTORATE OF ELEMENTARY EDUCATION  
HIMACHAL PRADESH, LALPANI SHIMLA.

Dated- Shimla-171001. the March, 2021.

In the matter of: CWP. No. 844/2021-titled as Surender Pal Swaroop, TGT (NM)  
Vs. State of H.P. & Others.

Whereas, Sh. Surender Pal Swaroop, TGT (NM) GSSS Nichar Distt. Kinnaur has filed CWP No. 844/2021-titled as Surender Pal Swaroop, TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P regarding transfer from GSSS Nichar Distt. Kinnaur Tribal Area after completion of normal tenure to soft area in Distt. Bilaspur. The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 18.02.2021, when after hearing the matter the Hon'ble High Court has directed as under:-

"In view of the above, present petition is disposed of with a direction to respondent No. 2/ competent authority to consider the representation (Annexure P-1) which is pending consideration since January, 2021, on or before 31<sup>st</sup> March, 2021, by giving opportunity of hearing to the petitioner, if desired so, by passing a speaking and reasoned order, in accordance with the transfer policy."

As per Office Memorandum dated 17.9.15 vide which Para (7) of the "Comprehensive Guiding Principles-2013" regarding the transfer of State Government employees (transfer policy for short) has been substituted, provides that employees appointed on contract basis shall be eligible for transfer after completion of three years of service at par with the regular employees on administrative grounds wherever required **against vacancy** on need basis. In the present case, the petitioner is still working on contract basis. However, he has completed three years of service and as per aforesaid provisions contained in Para 7 of the transfer policy is eligible to be posted against vacant post.

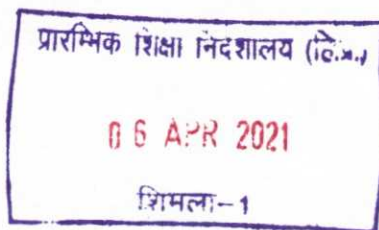
The petitioner in his representation has specified four schools namely GSSS Kothi or Baloh or Kalol or Bala Distt. Bilaspur where he has sought his adjustment. As per record placed before me there is no vacancy in any of the aforesaid schools. Hence as per the Transfer Policy, request made by the petitioner, is not tenable at this stage and is accordingly rejected.

Representation of the applicant is disposed of accordingly.

  
DIRECTOR

Endst:No:-EDN-H(2)B(6)1-18/2021-(NM)-dated, Shimla-1 March, 2021  
Copy to the following for information and necessary action please:-

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, Shimla, H. P.
2. The Deputy Director of Education Kinnaur (H.P.).
3. The Principal, GSSS Nichar Distt. Kinnaur H.P.
4. (Regd.) Surender Pal Swaroop, TGT (NM) GSSS Nichar Distt. Kinnaur H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla .
6. Guard file.



  
DIRECTOR