

06 AUG 2021

शिमला-1

DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA.

Dated- Shimla-171001 the August, 2021

In the matter of:

CWP. No. 3264/2021-titled as Sh. Ashwani Kumar, TGT (NM)
Vs. State of H.P. & Others

Whereas, Sh. Ashwani Kumar, TGT (NM) who is presently working in GSSS Pangri Distt. Kinnaur has filed CWP No. 3264/2021-titled as Ashwani Kumar, TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P. regarding transfer from GSSS Pangri Distt. Kinnaur Tribal Area after completion of normal tenure to soft area in Distt. Hamirpur. The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 22.07.2021, when after hearing the matter the Hon'ble High Court has directed as under:-

"In view of the submission made, the petitioner is permitted to file a representation within a week from today to the concerned respondents, whereafter the respondents-State are directed to dispose off the representation to be made by the petitioner, in accordance with law, within a period of two weeks thereafter. Till then, the interim order dated 04.11.2019 to continue. The writ petition is disposed off accordingly. Pending miscellaneous applications are also disposed off."

In compliance to the directions of the Hon'ble High Court the petitioner has attended personal hearing on 03.08.2021 and requested that he may kindly be transferred from GSSS Pangri Distt. Kinnaur to GMS Khanouli u/c GSSS Kakkar (Hmr) or any GMS/GHS/GSSS Distt. Hamirpur. At present the post of TGT(NM) is not lying vacant in District Hamirpur.

On the perusal of the record, it is found that the petitioner is working in GSSS Pangri Distt. Kinnaur since 03.11.2014 which is a Tribal area and he has completed his normal tenure at his present place of posting.

Hence petitioner has already been transferred from GSSS Pangri Distt. Kinnaur to GSSS Karanhat Distt. Kangra against vacancy vide this Directorate order dated, 04.08.2021 with the prior approval of competent authority vide U.O. No. Secy/CM-17036/2017-VIP-B-306641 dated 16.07.2021 after completion of his normal tenure at present place of posting. The representation of the petitioner is disposed off accordingly.

DIRECTOR

Endst No:-EDN-H(2)B(6)1-18/2021-(NM)-dated, Shimla-1

August, 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 /Kangra (H.P.)
3. The Principal, GSSS Pangri Distt. Kinnaur / Karanhat Distt. Kangra H.P.
4. (Regd.) Ashwani Kumar, TGT (NM) GSSS Pangri Distt. Kinnaur H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P., Shimla
6. Guard file.

DIRECTOR

DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA.

Dated- Shimla-171001, the

August, 2021.

In the matter of:

CWP No. 2220/2021-titled as Sh. Bijender Kumar, TGT (NM) Vs. State of H.P. & Others,

Whereas, Smt. Neelam Devi TGT (NM) GSSS Ludhiana Distt. Sirmour has filed CWP No. 2220/2021-titled as Sh. Bijender Kumar TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P. regarding transfer from GSSS Ludhiana Distt. Sirmour Hard Area after completion of normal tenure to soft area of Distt. Una. The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 30.06.2021, when after hearing the matter the Hon'ble High Court has directed as under:-

"Accordingly, the instant petition is allowed and the impugned order dated 30.3.2021 is quashed and set aside. However, we leave it open to respondent No.4 to make a representation to respondent No.2 and in case the representation is made within a period of two weeks, the same shall be considered sympathetically and decided in accordance with law within two weeks on receipt thereof. However, before parting, we make it clear that the aforesaid directions have been passed in the peculiar facts and circumstances of the case and shall not be treated as precedent in the future. The pending application(s), if any, also stands disposed of, leaving the parties to bear their own costs."

In compliance to the directions of the Hon'ble High Court the respondent No. 4 i.e. Smt. Neelam Devi TGT (NM) has attended personal hearing on 03.08.2021 and submitted her representation wherein she requested that she may kindly be adjusted in Distt. una against vacancy / longer stayee.

On the perusal of the record, it is found that the petitioner is working in GSSS Ludhiana Distt. Sirmour since 13.10.2017 and she has completed her normal tenure at her present place of posting, GSSS Ludhiana Distt. Sirmour falls in Hard Area.

Hence, respondent No. 4 i.e. Smt. Neelam Devi TGT (NM) has already been transferred from GSSS Ludhiana Distt. Sirmour to GSSS Basdehra Distt. Una vice Sh. Shyam Lal TGT (NM) vide this Directorate order dated, 04.08.2021 with the prior approval of competent authority vide U.O. No. Secy/CM-E0202/2017-DEP-C-306780 dated 15.07.2021 and Secy/CM-17069/2017-VIP-A-306867 dated 16.07.2021 after completion of her/his normal tenure at present place of posting. The representation of the petitioner is disposed of accordingly.

Sd/-
DIRECTOR

Endst No -EDN-H(2)B(6)1-18/2021-(NM)-dated, Shimla-1

August, 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 Sirmour or Una (H.P.)
3. The Principal GSSS Ludhiana Distt. Sirmour or Basdehra Distt. Una H.P.
4. (Regd.) Smt. Neelam Devi, TGT (NM) GSSS Ludhiana Distt. Sirmour H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla
6. Guard file

