

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

Oct, 2024

ORDER

In the matter of:

CWP No: 8297/2024-titled as Ramesh Chand V/s State of Himachal Pradesh (Regarding Transfer).

Sh. Ramesh Chand, TGT (Med.) has filed CWP No. 8297/2024 titled as Ramesh Chand V/s State of H.P. in the Hon'ble High Court, and seeking his transfer from GSSS, Jeori District Shimla to GSSS, Thona and GHS Chouri Distt. Mandi H.P. The case was listed before the Hon'ble High Court of H.P. on 14.08.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

"Taking into consideration the fact that the request of transfer was made by the petitioner in the month of July, 2024, in terms of Annexure P-1, appended with the petition, this petition is disposed of with the direction that appropriate order on the representation of the petitioner be passed by the competent Authority within a period of four weeks from today and taking into consideration the fact that the petitioner has already completed more than five years of service at his present place of posting, endeavor be made to place the petitioner 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 area. Pending miscellaneous applications, if any, also stands disposed of."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner appeared on scheduled date before the undersigned and was heard in person. At the time of hearing the applicant requested that he has completed his normal tenure at GSSS, Jeori Distt. Shimla so, he may be adjusted in GSSS, Thona and GHS, Chouri Distt. Mandi H.P.

From the perusal of record, it is found that Sh. Ramesh Chand, TGT (Med.) is working in GSSS, Jeori District Shimla since 06.02.2019 (Soft area) and has completed normal tenure at his present place of posting. At present the post of TGT (Med.) is not lying vacant in above mentioned schools. Moreover, the petitioner is working in soft area and he is not entitled for transfer to choice station despite the fact that TGT's is State Cadre post and the incumbents are supposed to serve anywhere in the State.

As per provision contained in comprehensive guidelines Principles-2013 for regulating the transfer of State Government employees. It is specifically mentioned in Para 12.1 "Transfer to a particular place of choice cannot be claimed as a matter of right. It will be the discretion of the State Govt., to post/transfer any employee anywhere in the state, keeping in view of the administrative exigencies/convenience.

Keeping in view, the above facts and circumstances, the case of the petitioner for transfer cannot be considered at this stage. Hence, request made by the petitioner is hereby rejected. The representation of the petitioner is disposed of accordingly.

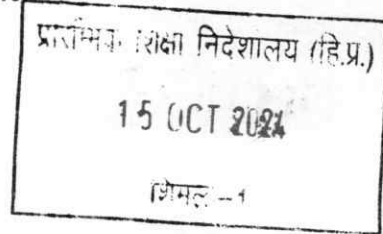

DIRECTOR

Endst No.Even dated, Shimla-1, the

Oct, 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 Ele. Edu. w. r. t. CWP No. 8297/2024.
3. The Deputy Director of Elementary Education, Shimla, H.P.
4. The Principal, GSSS Jeori, District Shimla, H.P.
5. Sh. Ramesh Chand, TGT (Med.) GSSS Jeori, District Shimla, H.P.
6. The Nodal Officer (IT) internal, Dte. of Elementary Education, Shimla-1.
7. Guard file




DIRECTOR

30/10/24