

No.EDN-H(Ele.IV)B(6)1/2022-CourtCase-(CBA)
Directorate of Elementary Education,
Himachal Pradesh, Lalpani, Shimla-171001.

Dated Shimla- 171001, the

March, 2025

ORDER

The CWP No. 2555/2025 titled Sh. Amit Kumar Dhillon versus State of Himachal Pradesh was listed on 25.02.2025, when the Hon'ble Court disposed of the said writ petition by directing the respondent to consider the representation of the petitioner.

"That a writ of mandamus may kindly be issued, directing respondent No.2 to decide the representation of the petitioner within a time-bound period and to transfer the petitioner from the present place of posting, i.e., GPS Talara, E/B Chowari, Distt. Chamba, to GCPS (Model) School, Una, E/B Una, Distt. Una, on a mutual basis against respondent No. 5 under the 5% quota, as per the provisions of the policies/instructions dated 20.11.2021 formulated by the Government of Himachal Pradesh."

In compliance with the orders of the Hon'ble High Court of H.P., the petitioner submitted his representation to the undersigned on 25.02.2025. The petitioner was called to appear in person on 22.03.2025. On the date of hearing, the petitioner appeared before the undersigned and requested that he is eligible for this transfer on a mutual basis under the 5% inter-district transfer policy. The petitioner, Sh. Amit Kumar Dhillon, further requested his transfer under the 5% quota to District Chamba vice Sh. Lal Chand, JBT, GCPS Una (Model), Education Block Una, Distt. Una, (Respondent No5) on a mutual basis.

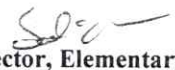
During the course of the hearing, the petitioner was informed that the transfer is feasible as per Government instructions issued by the Government of H.P. vide letter No. PER(AP)-C-B(2)-2/2024 dated 16-08-2024. As per instructions, the petitioner was informed that his transfer is feasible only if his substitute, Sh. Lal Chand (Respondent No. 5), who is working on a contract basis at GCPS Una, is willing to be transferred to another district by losing his seniority of the previous station/cadre/establishment from where he is willing to be transferred. He will be treated as a fresh appointee in the new station/cadre/establishment and will be placed at the bottom of the existing panel/list of contractual officials working in the same grade/post for the purpose of his seniority. **The service rendered on a contract basis in the earlier cadre/establishment, on transfer/appointment to another station/cadre/establishment, will not be counted for regularization or any other financial benefits.**

The petitioner submitted the willingness of Respondent No. 5, Sh. Lal Chand. It is also ordered that the transfer, as prayed, will be executed if Respondent No. 5 submits the original affidavit pertaining to the condition as per para 3 ibid.

Accordingly, comments were obtained from the Deputy Director of Elementary Education, Chamba, and Una. On perusal of comments/proposals, it is revealed that the petitioner, Sh. Amit Kumar Dhillon, JBT, has been working at GPS Talara, Education Block Chowari, Distt. Chamba, since 30.09.2020 and has not completed his normal tenure at his present place of posting. Moreover, Respondent No. 5, Sh. Lal Chand, JBT, has been working at GCPS Una (Model), Education Block Una, Distt. Una, since 09.10.2024 on a contract basis and has also not completed his normal tenure at his present place of posting.

Sh. Lal Chand, Respondent No. 5, personally appeared before the undersigned today i.e. 26.03.2025 and submitted the original affidavit pertaining to the condition stated in para 3 ibid.

In view of the above facts, the representation of the petitioner, along with the affidavit of Respondent No. 5, has been examined. After due consideration, the Deputy Director of Elementary Education, Chamba, is hereby directed that the petitioner, Sh. Amit Kumar Dhillon, JBT, may be transferred from GPS Talara, E/B Chowari, to GCPS (Model) Una, E/B Una, Distt. Una, H.P., vice Sh. Lal Chand, JBT (contractual), on a mutual basis as per their written request (consents enclosed). Hence, the representation of the petitioner stands decided and disposed of accordingly.

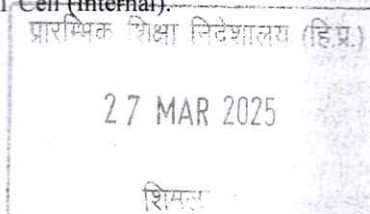

Director, Elementary Education,
Himachal Pradesh.


Dated: March, 2025

Endst No. & Date Even

Copy for information and necessary action, please:

1. The District Attorney (Legal Cell), for information.
2. The Deputy Director of Elementary Education, Chamba/Una, to take further necessary action immediately.
3. Sh. Amit Kumar Dhillon, JBT, GPS Talara, Education Block Chowari, Distt. Chamba. (Regd.)
4. Sh. Lal Chand, JBT, GCPS (Model) Una, Education Block Una, Distt. Una. (Regd.)
5. In-charge IT Cell (Internal).
6. Guard File.




Director, Elementary Education,
Himachal Pradesh.

