

No. Per(AP-B)E(3)-17/2012-Part-V
Government of Himachal Pradesh
Department of Personnel

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Department in Himachal Pradesh
3. All Divisional Commissioners, Himachal Pradesh
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Managing Directors/Chief Executive Officers/ Secretaries/Registrar of Boards/ Corporations/Govt. Universities/Autonomous Bodies etc. in H.P

Dated Shimla-171002

7th October, 2022

Subject:

CWP No. 4412/2022- titled as Virender Kumar vs State of HP & Ors.

Sir/Madam,

I am directed to refer to the subject cited above and to say that "Comprehensive Guiding Principles -2013" for regulating the transfer of State Government employees was circulated vide this Department Office Memorandum of even number dated 10-07-2013 and further instructions have been issued from time to time for regulating transfers under these guiding principles. However, inspite of repeated instructions it has been noticed that transfers are still being made through DO notes over recommendations of extra constitutional authorities which have no role in functioning and business of administration. The Hon'ble High Court has also expressed serious concern over such recommendation(s) through its various judgments related to service matters of employees including transfer, promotion etc. by extra constitutional authorities, which has no role in functioning and business of the administration.

In compliance of orders of the Hon'ble High Court of Himachal Pradesh in CWP No. 2862 of 2021-Vipender Kalta Vs State of HP and CWP No. 4851/2021-titled as Sushil Kumar Vs State of HP, the department of Personnel has already issued instructions over recommendation(s) related to service matters of employees including transfer, promotion etc. by extra constitutional authorities, which has no role in functioning and business of the administration vide this department's letter of even number dated 06/08-10-2021.

[Handwritten signature]
06/10/2022


Contd. 2/-

The Hon'ble High Court in case CWP No. 4412/2022-titled as Virender Kumar V/s State of Himachal & others on 19-07-2022 has observed that the State probably is not taking the order(s) of this Court seriously or else, this Court would not still be flooded with litigation pertaining to transfers, that too, which on the face are in contravention to the order(s) passed by this Court from time to time. It has been directed that the transfers are not effected in contravention of the order(s) of this Court or else this Court shall be constrained to take a serious view of the matter. (copy of judgment is enclosed for ready reference).

It is therefore, requested that the observations of Hon'ble High Court and instructions dated 06.10.2021 may be brought to the notice of all concerned under your administrative control for strict compliance in letter and spirit.

Kindly acknowledge receipt of this letter.

Yours faithfully,

 06/10/2022

(Rajender Sharma)

Joint Secretary (Personnel) to the
Government of Himachal Pradesh

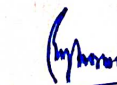
Tel. No. 0177-2628929

email: persbr2-hp@nic.in

Endst. No. Per(AP-B)E(3)-17/2012-Part V Dated Shimla -171002, the th 7 Oct, 2022

A copy is forwarded for information and necessary action to:-

1. The Principal PS to Chief Minister, Himachal Pradesh, Shimla-171002.
2. The Private Secretaries to all Ministers, Himachal Pradesh
3. The PS to Chief Secretary to the Government of Himachal Pradesh.
4. The Ld. AG, Hon'ble HP High Court Shimla -171001
5. The Registrar, Hon'ble High Court of HP Shimla-171001
6. The Deputy Secretary (Home) to the GoHP w.r.t. letter No. Home(A)E(3)-126/2022 dated 28.07.2022 .
7. Guard File of the branch.

 06/10/2022

Joint Secretary (Personnel) to the
Government of Himachal Pradesh