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Government of Himachal Pradesh
Department of Higher Education
ORDER

No. EDUB-E05/9/2023

Dated: Shimla-2, the 27-12-2023.

Whereas Sh. Balbir Singh, Principal, GSSS Rajhana, Distt. Sirmour had approached the Hon'ble High Court vide CWP No. 9028 of 2023 for his transfer on the grounds that he was going to retire from his service on 31st December, 2023 and that his wife was also posted in Kinnaur District. The Hon'ble High Court decided the matter on dated 17.11.2023, the operational part of the judgement is as under:-

"Accordingly, without going into the merits of the matter, this Court directs respondent No. 1 Principal Secretary (Education) to the Government of Himachal Pradesh, to consider the representation/reminder made by the petitioner as in Annexure P-1 and Annexure P-2, after taking into account the vacancy position as in Annexure P-3, and affording a personal hearing to the petitioner, and then to pass appropriate orders in the light of the Transfer Policy as well as the judgment passed by the Division Bench of this Court in CWP No.1863 of 2018, titled as Rattan Chand Versus State of H.P. & others, decided on 24.10.2018, (Principal) (School-Cadre). Despite being a Class-I officer, who had also raised a similar plea for being considered for posting at convenient stations in terms of the Transfer Policy.

It is clarified that this Court has not adverted into the rival contentions and merits of the matter and all Questions of facts and law are left open."

2. Whereas, as per the directions of the Hon'ble High Court the petitioner was granted an opportunity of being heard in person on dated 11.12.2023. During the course of hearing the petitioner submitted that he was going to retire from his services on 31.12.2023, therefore he should be transferred to Kinnaur as it would make him get his post retirement benefits without much problems.

He pleaded that he should be transferred to Kinnaur which is his home district.

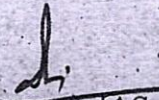
3. Whereas, even though it is a fact that the petitioner will retire on 31.12.2023, however it is not correct that in case he retires from a school in Sirmour he will have problems to get his retirement benefits. The State Government's notifications issued from time to time allow every government employee to choose the Treasury Office from which he/she wants to draw his/her

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pension and also to choose the DDO for the purpose of medical reimbursement and other claims after the retirement. Therefore, it is clear that he will be able to exercise his options for pension and other retirement benefits. It is also a fact that most of the services for the employees are available in on-line mode. Therefore the claim of the petitioner is not justified.

4. Now therefore, the undersigned after careful consideration of all the facts and circumstances finds that no prejudice will be caused to the petitioner if he is not posted in Kinnaur District before his retirement. Therefore, the representation of the petitioner is rejected and accordingly disposed off.


(Rakesh Kanwar), IAS
Secretary (Education) to the
Government of Himachal Pradesh

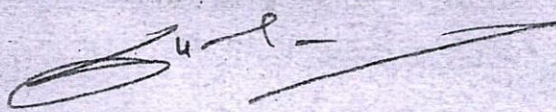
REGISTERED POST

**Sh. Balbir Singh, Principal,
GSSS Rajhana, Distt. Sirmour, H.P.**
Endst. No as Above Dated Shimla-2 the

27-12-2023.

Copy is forwarded to the following for information/necessary action.

1. The Director of Higher Education, H.P. Shimla-1 for uploading the same on the official website of the Department.
2. The Joint Secretary (Education) to the Govt. of HP w.r.t. CWP No. 9028 of 2023.
3. The Deputy Director of Higher Education Sirmour with the direction to ensure the delivery of this order to the concerned Principal, H.P.
4. Guard file.


Joint-
Under Secretary (Hr. Education) to the
Government of Himachal Pradesh