



Government of Jammu and Kashmir.
PHE/I&FC DEPARTMENT.
(Litigation Section)
Civil Secretariat: Srinagar/Jammu.

Subject: - SWP No. 1805/2015 titled Bansi Lal Bhardwaj V/s State & Others.

Government Order No. 154 -PW (Hyd) of 2015.

Dated. 16 /06/2015.

Whereas, vide Government Order No.142-PW(Hyd) of 2015 dated 05.06.2015, transfers and postings of Incharge Superintending Engineers (Civil) of Hydraulic Wing were ordered. Among others, one Shri B. L. Bhardwaj, Incharge Superintending Engineer was also transferred from Hydraulic Circle, Anantnag and posted in Urban Environmental Engineering Department, Srinagar, and in his place Shri Ravinder Kumar Gupta was posted as Incharge Superintending Engineer, Hydraulic Circle, Anantnag; and

Whereas, Shri Ravinder Kumar Gupta assumed the charge of the office of the Superintending Engineer (Hydraulic) Circle, Anantnag on 09.06.2015; and

Whereas, in the meanwhile Shri B. L. Bhardwaj approached the Hon'ble High Court at Jammu and challenged the order of his transfer through the medium of SWP No. 1805/2015, MP No. 01/2015 titled Bansi Lal Bhardwaj V/S State & Others wherein the Hon'ble Court vide an order dated 12.06.2015 was pleased to direct as under;

"The petition is disposed of by directing the respondents to consider the case of petitioner against premature transfer in terms of the impugned order on the strength of grounds raised in the petition and the transfer policy governing transfers of Engineers in PHE, Irrigation & F.C. Department. This exercise shall be done within a period of two weeks from the date copy of this order is served upon them. Till then, the impugned order shall not be acted upon in so far as the same pertains to petitioner.

Disposed of along with connected MPs."

Whereas, in terms of the aforesaid order the copy of Writ Petition was obtained and examined, which revealed that the petitioner has challenged his transfer mainly on the following grounds.

- i. that his transfer is pre-mature,
- ii. that he being a resident of Jammu Division was earlier posted in Kashmir Division and now has again been posted in Kashmir Division.
- iii. that his transfer is outcome of malafide intentions,
- iv. that the Hon'ble High Court in SWP No. 1453/2014 vide order dated 11-07-2014 has stayed the promotion of Executive Engineers as Superintending Engineers

- ii. that an employee of one division cannot object to his transfer to the other division. In the instant case, however, the petitioner was already working in Kashmir Division and cannot object to his transfer in the same division. Even otherwise he has approached the Hon'ble High Court praying for his retention at his present place of posting which is in Kashmir Division.
- iii. that the allegation of malafides is baseless as the petitioner has not disclosed any reason for the same.
- iv. that the Service Writ Petition to which the petitioner has made a reference has no relation whatsoever with the petitioner, in as much as he is neither a petitioner nor a respondent therein. The private respondent Sh. Ravinder Kumar Gupta was already placed as Incharge Superintending Engineer vide Govt. Order No.92-PW(Hyd) of 2014 dated 03-03-2014 and is not a product of the Govt. Order No. 131-PW(Hyd) of 2015 dated 20-05-2015, therefore reference by the petitioner to the said Service Writ Petition is irrelevant.

Now, therefore, for the reasons recorded above, the Writ Petition of Shri Bansi Lal Bhardwaj treated as representation in terms of the orders of the Hon'ble High Court having been considered and found devoid of any merit is hereby rejected accordingly.

By order of the Government of Jammu and Kashmir.

Sd/-

(Parvez Ahmad Malik) IAS
Secretary to Government,
PHE, I&FC Department.

Dated: 16/06/2015.

No: PW/Hyd/G/2005/28/II

Copy to the:-

1. Principal Secretary to Government, Power Development Department.
2. Commissioner/Secretary to Government, Housing & Urban Development Department.
3. Managing Director, J&K SPDC.
4. Chief Engineer, I&FC Department, Jammu/Kashmir.
5. Chief Engineer, PHE Department, Jammu/Kashmir.
6. Chief Engineer, UEED, Srinagar.
7. Chief Engineer, RTIC, Jammu.
8. OSD with Hon'ble Minister for PHE/I&FC.
9. Additional Private Secretary to Hon'ble MOS, PHE/I&FC.
10. Private Secretary to Secretary to Government, PHE/I&FC Department.
11. P.A. to Additional Secretary to Government, PHE/I&FC Department.
12. Concerned Officer.
13. Incharge Website.
14. Government Order file (W.2.S.C.)/Stock File/Monday Return.

(Sheraz Ahmed Chauhan) 16.06.2015

Under Secretary to Government,
PHE/I&FC Department.