

Anjum Abbas Vs. State of H.P. & Anr.

CWP No.2616 of 2026

06.03.2026 Present: Mr. Sanjeev Bhushan, Senior Advocate, with Mr. Sparsh Bhushan, Advocate, for the petitioner.

Ms. Leena Guleria, Deputy Advocate General, for the respondents.

CWP No.2616 of 2026

Notice. Ms. Leena Guleria, learned Deputy Advocate General, accepts notice on behalf of the respondents. As prayed for, reply be filed by the next date of hearing.

List on **17.03.2026**.

CMP No.3633 of 2026

Notice in above terms. Learned Senior Counsel for the applicant/ petitioner has argued that the petitioner is serving as a Joint Controller. She is eligible for promotion to the post of Controller. There are in all thirteen posts of Controller in the respondent-Department and there are two vacancies lying vacant. Learned Senior Counsel submits that these two vacancies are there on account of long deputation of the holders of the said posts. He further submits that one person is on deputation since the year 2006 and the other is on deputation since the year 2022. Learned Senior Counsel referred to Para-16.23 of the Handbook on Personal Matters and submitted that in a situation where the incumbent has gone on deputation on a long term basis, the post in issue has to be treated as a vacancy and it has to be filled according to the provisions of the Recruitment

Rules. He contended that previously this was done by the Authorities with regard to the said posts, holders of which were on long term deputation, but now a U-Turn has been taken by the Department and despite the fact that a Departmental Promotion Committee was proposed to be convened in the month of February, 2026, nothing is being done, depriving the petitioner from her chance of promotion who otherwise is to superannuate on 31.03.2026. Learned Senior Counsel in this regard also referred to the judgment of the Hon'ble Coordinate Bench of this Court on the issue, i.e. CWP No.8098 of 2023, titled Vibhore Kumar Sharma Versus State of Himachal Pradesh and others, decided on 14.05.2024 and submitted that this judgment was upheld by the Hon'ble Division Bench and the Hon'ble Supreme Court of India has also not interfered with the same.

Learned Deputy Advocate General to have instructions, as to why the petitioner is not being considered for promotion against the vacancy which is there on account of the long term deputation despite the fact that as per the learned Senior Counsel, she falls in the Zone of Consideration as she is at Serial No.2 in the Seniority of Joint Controllers. As prayed for, list on **17.03.2026**.

Ajay Mohan Goel)
Judge

March 06, 2026
(Rishi)