



Sunil Chand Versus State of Himachal Pradesh & Others

CWPOA No.468 of 2019

18.11.2025. Present: Mr. Sunil Mohan Goel, Senior Advocate with Mr. Abhijeet Singh Chauhan, Advocate, for the petitioner.

Mr. Sumit Sharma, Deputy Advocate General, for respondents No.1 & 2-State.

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Records reveal that respondents No.3 to 6 were represented by Mr. Vijay Chaudhary, Advocate, whose name is not reflected in the Cause-List. Registry is directed to reflect the name of Mr. Vijay Chaudhary, Advocate representing respondents No. 3 to 6, in the Cause-List, henceforth.

2. Grievance of petitioner is to consider his case for promotion to the post of Inspector Grade-I, in the Respondent-Department. As per the Recruitment and Promotion Rules, dated 15.06.2010 [*Annexure P-2*], the post of Inspector Grade-I is to be filled-up 75% by direct recruitment and 25% by promotion as per Rule 10 of the said Rules. In case of promotion, the post of Inspector Grade-I is to be filled up from clerical



cadre who possess 05 years regular service or regular combined with continuous *adhoc* service, if any, in the Grade as per Rule 11 of the Rules.

3. Factual matrix borne out from the petition and the Reply-Affidavit indicates that the petitioner was promoted to the post of Junior Auditor in the un-revised scale of Rs.5800-9200/- on the recommendation of the DPC on *adhoc* basis on 23.10.2008. This pay scale was revised to Rs.10300-34800+3800 (G.P.). The petitioner was regularized on the post of Junior Auditor, on 23.11.2010 [Annexure P-9] from the date of his *adhoc* promotion.

4. *Prima facie* this Court is of the considered view that the claim of the petitioner for promotion as Inspector Grade-I does not hold the field for two reasons; *firstly*, as per the Recruitment and Promotion Rules, the post of Inspector Grade-I is to be filled-up from clerical cadre and the petitioner does not belong to the clerical cadre consequent upon his promotion as junior auditor on *adhoc* basis on 23.10.2008 which was subsequently regularized as such on



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23.11.2010 from the date of initial promotion and *secondly*, the pay scale of the petitioner, who is a Junior Auditor was Rs.10300+34800+3800 (G.P), which was higher then the post of Inspector Grade-I of Rs.10300-3400+3600 (G.P.), on which the promotion is being sought. In these circumstances, the ineligibility of the petitioner is made out.

5. Learned Counsel for the petitioner prays for an adjournment so as to have Instructions as to whether the petitioner intends to pursue the instant proceedings or not.

List on **26.11.2025.**

CMP(T) No.1242 of 2020

In view of the averments made in the application, the instant application for placing on record Recruitment Rules along with affidavit, is allowed, subject to all just and legal exceptions.

The application stands disposed of.

November 18, 2025
[Shivender]

(Ranjan Sharma)
Judge