

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No. 773 of 2019.

Date of decision: 26th November, 2025.

Ramesh Chand

...Petitioner.

Versus

State of H.P. & Anr.

....Respondents.

Coram:

The Hon'ble Mr. Justice Satyen Vaidya, Judge.

Whether approved for reporting?¹

For the Petitioner:

Mr. Prantap Sharma, Advocate.

For the Respondents:

Ms. Seema Sharma, Dy. A.G. for
respondent No.1.

None for respondent No.2.

Satyen Vaidya, Judge (Oral).

Heard.

2. The instant petition has been filed for following
substantive relief:-

*"i) That the act of the Service Committee in dropping the
item/matter regarding re-designation of the post of Senior
Scale Stenographer as Personal Assistant vide Annexure/A-3
and the letter dated 22.11.2006 (Annexure/A-13) passed by
respondent No.1 may kindly be quashed.*

*ii) That the respondents may kindly be directed to re-
designate the post of Senior Scale Stenographer as Personal*

¹ Whether reporters of the local papers may be allowed to see the judgment?

Assistant w.e.f. the date the respondent No.1 has accorded the approval for such re-designation vide Annexure/A-1, along with all consequential benefits.

iii) That the respondents may be directed to frame the Recruitment and Promotion Rules for the post of Assistant Secretary so that the applicant may make progress in his service carrier."

3. In short, the case of the petitioner is that he was appointed as Junior Scale Stenographer in Himachal Pradesh Takniki Shiksha Board, Dharamshala (respondent No.2) on 24.06.1987. He was promoted as Senior Scale Stenographer on 17.03.2001.

4. Grievance as raised by the petitioner is that despite the decision taken in that behalf by respondent No.2, the post of Senior Scale Stenographer has not been re-designated as Personal Assistant. Reference has been made to communication dated 16.10.1999 addressed from the office of Additional Chief Secretary to the Deputy Secretary, Technical Education Board, Dharamshala, whereby, approval for re-designation of the post of Senior Scale Stenographer in respondent No.2-department as Personal Assistant had been accorded. It is further the case of the

petitioner that after grant of aforesaid approval, the matter was placed before the Service Committee for approval, but the Service Committee in its meeting dated 26.04.2006 had not agreed with the proposal and resultantly item had been dropped.

5. It has been contended on behalf of the petitioner that in these circumstances, where the respondents had approved the proposal for re-designation of the post of Senior Scale Stenographer as Personal Assistant, the decision of Service Committee that too without any reason is unsustainable.

6. Both the respondents have filed their common reply. The factual aspect as asserted by the petitioner has not been denied. The contents of communication dated 16.10.1999, Annexure A-1 have been admitted. However, the respondents have shown their inability on the ground that the Service Committee had dropped the item after disagreeing with the proposal.

7. I have gone through the record. Respondent No.1 had accorded its approval for re-designation of the post of Senior Scale Stenographer in respondent No.2-board as Personal Assistant vide

communication dated 16.10.1999. There is nothing on record to suggest that the approval so granted was either reviewed or withdrawn by respondent No.1. Contents of communication dated 16.10.1999, Annexure A-1 reveals that the approval was granted subject to condition that the financial burden will be borne by respondent No.2-board.

8. Noticeably, respondent No.2-board has never backed out from its commitment to bear the financial burden which was likely to be incurred on re-designation of the post of Senior Scale Stenographer as Personal Assistant. This fact is evident from the proposal made by respondent No.2-board for being placed before the Service Committee. It being so, it is not understandable as to for what reason the Service Committee had refused to agree with the proposal. The decision of the Service Committee is without any reason. It only states as under:-

"The item was discussed and was not agreed-Hence item dropped."

9. It is more than settled that the administrative decision needs to be supported by reasons. Its validity can be tested on the basis of such reason only. In the instant case, as noticed

above, no reason whatsoever has been assigned by the Service Committee, therefore, the impugned decision of the Service Committee, Annexure A-3 has been rendered vulnerable and is required to be quashed and set aside.

10. In result, the instant petition is allowed and the decision of the Service Committee, Annexure A-3 is quashed and set aside with direction to the Service Committee to reconsider the proposal of respondent No.2-board and take a decision afresh by assigning detailed reasons within three months from today.

11. Pending miscellaneous application(s), if any, also stand disposed of.

(Satyen Vaidya)
Judge

26th November, 2025.
(jai)