



Sarwan Kumar vs. State of H.P. & Ors.

CWPOA No. 1825 of 2019

20.09.2022 Present: Mr. Surinder Saklani, Advocate, for the petitioner.

Mr. Ashok Sharma, Advocate General with M/s Sumesh Raj, Dinesh Thakur and Sanjev Sood, Additional Advocate Generals and Mr. Amit Kumar Dhumal, Deputy Advocate General for the respondents.

The grievance of the petitioner is with regard to his non-consideration for promotion to the post of Junior Engineer (Mechanical) from the feeder category of Junior Technician (Mechanical), Technician Grade-II and Technician Grade-I, who are matriculate and have obtained certificate course in the trade of motor mechanic or its equivalent from an ITI.

Learned counsel for the petitioner has drawn the attention of the Court to Annexure P-7 appended with the rejoinder and has submitted that whereas the petitioner has been denied promotion on the ground that ITI certificate possessed by him was in the trade of Turner and not of Motor Mechanic, on the other hand, persons similarly situated as the petitioner, who were not possessing ITI certificate, specifically in the trade of Motor Mechanic have been promoted to the post of Junior Engineer (Mechanical). Learned counsel has further submitted that *de hors* the issue of possessing the requisite qualification, on completion of 10 years of service as Junior Technician, he otherwise was eligible for promotion to the post of Junior Engineer (Mechanical), post



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completion of 10 years of service as such, yet, till date he has not been promoted against the post of Junior Engineer (Mechanical) though, he was appointed as far back as in the year 1996.

Learned Additional Advocate General is accordingly directed ascertain these facts as to why the petitioner has been ignored for promotion if incumbents similarly situated as him, who were not possessing ITI certificate in the concerned trade, stood promoted in the year 2010, as has been submitted by learned counsel for the petitioner and further as to why the petitioner has not been promoted even post completion of 10 years service in the feeder category of Junior Technician (Mechanical).

Let the needful be done within 10 days. List on
21.10.2022.

(Ajay Mohan Goel)
Judge

September 20, 2022
(narendar)