

Amit Kumar & Ors. Vs. State of H.P. & Ors.

CWP No. 11700 of 2026

15.07.2026 *Present:* Mr. Onkar Jairath, Senior Advocate, with M/s. Piyush Mehta & Anshul Jairath, Advocates, for the petitioners.

Mr. Anup Rattan, Advocate General, with Mr. Pawan Kumar Nadda, Additional Advocate General, for respondents No. 1 and 2-State.

Mr. Vikrant Thakur, Senior Advocate, with Ms. Shivani Priya, Advocate, vice Mr. Shubham Singh Guleria, Advocate, for respondent No.3 - Himachal Pradesh Public Service Commission.

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Notice. Mr. Pawan Kumar Nadda, learned Additional Advocate General and Ms. Shivani Priya, Advocate, under instructions of Mr. Shubham Singh Guleria, Advocate, appear and waive service of notice on behalf of respondents No. 1 and 2 and respondent No. 3-Himachal Pradesh Public Service Commission, respectively.

Replies, as prayed, be filed within three weeks.

Learned Advocate General has also raised an objection with respect to the maintainability of the writ petition on the ground that the writ petition has been supported by the affidavit of only one petitioner, that too in his individual capacity, and, therefore, the constitution of the petition is defective.

Respondents, if so advised, may raise the said objection in their reply. Thereafter, this issue shall also be considered on the next date.

Issue notice to respondents No.4 to 18, returnable on next date, on taking steps within two days.

List for consideration on **12.08.2026**.

CMP No. 17275 of 2026

Notice in the aforesaid terms.

It is the case of the petitioners that the Recruitment and Promotion Rules (R&P Rules), 2019 provide that, for promotion, an employee must have served in a Tribal/Difficult/Hard/Remote/Rural Area. However, the petitioners accepted the postings/transfer as and when ordered by the respondent-Department and, therefore, it was not within their control to secure postings in such areas. Accordingly, they contend that they cannot be denied promotion despite being senior to the private respondents, who have been promoted, presumably on account of the said provision of the R&P Rules, 2019. The petitioners should not be made to suffer for an act which was within the control of the employer but beyond the control of the petitioners.

Learned counsel for the petitioner insisting for passing interim order against the impugned action of order

of the State/Department, with further prayer to at least pass order directing the respondent/Department to maintain status quo.

Learned Advocate General prays for deferment of the passing of any interim order, including an order of maintaining *status quo*, with the submission that an appropriate order may be passed after giving an opportunity to the respondent-Department to place on record the relevant material to justify the impugned action.

Accepting the said prayer, consideration of this application is adjourned to the next date with the rider that, in case no material is placed on record, an appropriate order, including an order of *status quo ante*, if so required, shall be passed on the basis of the material available on record.

List for consideration along with petition on next date.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

15th July, 2026
(Shamsh Tabrez)