



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.12951 of 2025
Date of Decision: 25.11.2025

Desh Raj		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

*Coram:****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting? ¹*

For the Petitioner:	Mr. Mukesh Sharma, Advocate, vice Mr. Rajiv Rai, Advocate.
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For the Respondents:	Mr. Vishal Panwar, Additional Advocate General and Mr. Ravi Chauhan, Deputy Advocate General.
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Sandeep Sharma, Judge (oral):

By way of instant petition, petitioner has prayed for following main reliefs:

"A. That the Hon'ble Court may kindly be pleased to issue an appropriate Writ, Order or Direction whereby the act and conduct of the respondents of not considering the petitioner for the post of revenue Kanoongo / Field Kanoongo w.e.f. 02.09.2020 or from the date since when the patwaris junior to the petitioner in District Hamirpur has been promoted may kindly be declared illegal, null and void.

B. That the Hon'ble Court may kindly be pleased to issue a Writ of Mandamus whereby the respondents may kindly be directed convene review DPC and to consider the petitioner for promotion to the post of revenue Kanoongo / Field Kanoongo w.e.f. 02.09.2020 or from the date since when the patwaris junior to the petitioner in District Hamirpur has been promoted along with all consequential benefits."

2. Precisely, the facts of the case, as emerge from the record are that petitioner was offered appointment to the post of Patwari by respondent No.3 vide appointment letter dated 12.09.2002 (Annexure P-

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



1). In the year 2017, petitioner passed the departmental Kanungo examination as required for the post of Revenue Kanungo. On 17.02.2019, an FIR bearing No.01/2019 under Section 7 of the Prevention of Corruption Act, 1988, came to be registered against the petitioner.

3. Vide order dated 22.01.2019, petitioner was suspended in terms of Sub-Rule 2 of Rule 10 of the CCS (CCA) Rules, 1965, however, vide order dated 30.07.2019, suspension of the petitioner was revoked by respondent No.3 in exercise of power conferred under Clause (C) of Sub-Rule (5) of Rule 10 of the CCS (CCA) Rules, 1965. Again in the year 2020, petitioner qualified the departmental Naib Tehsildar examination, but yet he was not considered for promotion to the post of Revenue Kanungo. Though on 02.09.2020, person junior to the petitioner, i.e. private respondent No.4, was promoted to the post of Revenue Kanungo, however, on account of pendency of FIR, detailed hereinabove, name of the petitioner was not considered. Again on 08.12.2021 and 16.03.2022, DPCs were convened for promotion to the post of Revenue Kanungo, but in both the proceedings, though names of person junior to the petitioner were considered, but on account of pendency of FIR, as detailed hereinabove, name of the petitioner was not considered.

4. On 01.04.2025, DPC for the post of Revenue Kanungo was convened and therein name of the petitioner along with other eligible



candidate was considered. Though afore DPC recommended the name of the petitioner, but yet his name was not included in the promotion list dated 01.04.2025. In the afore background, petitioner has approached this Court in the instant proceedings, praying therein for reliefs, as have been reproduced hereinabove.

5. In nutshell, grouse of the petitioner, as has been highlighted in the petition and further canvassed by learned counsel representing the petitioner is that mere pendency of FIR could not be a ground for not considering the delinquent official for promotion, rather in that situation, in terms of judgment passed by the Hon'ble Apex Court in ***Union of India and Others Vs. K.V. Jankiraman and Others***, AIR 1991 Supreme Court 2010, sealed cover procedure was required to be adopted.

6. Having find merit in the aforesaid claim of the petitioner, this Court, while issuing notice to respondents on 13.08.2025, passed the following order:

“Notice at this stage confined to respondents No.1 to 3. Mr. Ravi Chauhan, learned Deputy Advocate General, appears and accepts service of notice on behalf of respondents No. 1 to 3-State. He prays for and is granted two weeks' time to file reply. While filing reply, respondents may clarify that once it is settled that mere pendency of FIR may not be ground for not considering the delinquent official for promotion, rather in that situation, in terms of judgment passed by Hon'ble Apex Court in *Janki Raman's* case, sealed cover procedure is to be adopted and why petitioner, who was deemed to be promoted qua the post of Kanungoo, was not considered for promotion by various DPCs alleged to be held w.e.f 2020 to 2025.”

7. Though respondent/State has has not filed detailed reply, but Mr. Vishal Panwar, learned Additional Advocate General, has made



available communication dated 25.09.2025 issued under the signatures of Deputy Commissioner, District Hamirpur, H.P., which reads as under:

"Kindly refer to your office letter no. CWP/ 12951/2025-52041 dated 18th August 2025 and order dated 09.09.2025 passed by the Hon'ble High Court of H.P. in the above titled CWP, vide which two weeks' time has been granted to the respondents for filing the reply.

It is submitted that the petitioner's main grievance is that he has not been considered for the post of Kanungo w.e.f. 02.09.2020 or from the date since when his junior has been promoted. Further he has prayed before the Hon'ble High Court to direct the respondents to convene review of the DPC and consider him for promotion. In this context, it is submitted that the matter has been examined and it has been decided to review the DPC's held from 2020 to 2025. Therefore, this office would require some more time to prepare the draft reply.

It is, therefore, requested that at least four weeks' time may kindly be sought from the Hon'ble High Court to file the draft reply in the present CWP please."

7.1. While referring to aforesaid communication, Mr. Vishal Panwar, learned Additional Advocate General, states that after having examined the matter, department has decided to review the DPC's held from 2020 to 2025.

8. In view of aforesaid fair stand adopted by respondents, grievance of the petitioner stands duly redressed. By way of instant petition, petitioner has precisely prayed for convening review DPC, which in fact has been agreed upon by the respondents.

9. Consequently, in view of the above, present petition is disposed of with the direction to respondents to ensure that review DPC to review the DPCs held from 2020 to 2025 shall be done expeditiously, preferably, within a period of six weeks. Needless to say, while doing the needful, authorities concerned would take note of law laid down by the



Hon'ble Apex Court in *K.V. Jankiraman's* case and in case petitioner is found entitled to promotion, he shall also be granted such relief, in accordance with law.

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

**(Sandeep Sharma),
Judge**

November 25, 2025
(*Rajeev Raturi*)