



2025:HHC:40417

Dinesh Kumar vs. State of Himachal Pradesh and others

CWP No. 16269 of 2025

15.10.2025 Present Mr. Hamender Singh Chandel, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol and Mr. Vishal Panwar, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General, for respondents No.1 and 2/State.

CWP No. 16269 of 2025 & CMP No. 24999 of 2025

Notice at this stage is only confined to respondent Nos. 1 and 2.

Mr. Rajan Kahol, learned Additional Advocate General, appears and waives service of notice on behalf of respondent Nos. 1 and 2. He prays for and is granted four weeks' time to file reply.

List on 27.11.2025.

Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Hamender Singh Chandel, learned counsel representing the petitioner, is that though petitioner herein, who at present is posted as Assistant Engineer, HPPWED, Sub Division Gagret, Division Daulatpur Chowk, Tehsil Ghanari, District Una, Himachal Pradesh, is senior to private respondent Nos. 3 to 9, but since does not possess eight years qualifying service, he is not being considered for promotion to the post Executive Engineer, whereas R&P Rules to the post of Executive Engineer(Civil), Class-I (Gazetted) in the Department of Public Works, Himachal Pradesh, clearly provides that in all cases where a junior person



become eligible for consideration by virtue of his total length of service including the service rendered on adhoc basis, followed by regular service/appointment in the feeder post in view of the provision referred to above, all persons senior to him in respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration.

Learned counsel for the petitioner states that admittedly petitioner herein is senior in the seniority list of Assistant Engineer circulated by the Government of Himachal Pradesh. If it is so, he is also required to be considered for promotion to the post of Executive Engineer alongwith his juniors and while doing so, condition of his having possessed minimum qualifying service of eight years would not come in his way, rather for the purpose of consideration, he is required to possess minimum qualifying service of at least three years prescribed in the R&P Rules for the post.

Having ascertained the correctness of aforesaid submission made by learned counsel for the petitioner vis-à-vis provisions contained in R&P Rules, there appears to be merit in the contention in the submission of learned counsel for the petitioner and as such, this Court, in the interim, deems it fit to order that in event of consideration of the case of the person juniors to the petitioner i.e. respondent Nos. 3 to 9 for promotion to the post of Executive Engineer, name of the petitioner shall



2025:HHC:40417

also be considered provisionally, but no order of promotion , if any, pursuant to the recommendation made by the DPC, shall be passed without the leave of the Court.

(Sandeep Sharma)
Judge

October 15, 2025
(shankar)