

2025:HHC:28992
IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 167 of 2018
Date of Decision : 26.08.2025

H.P. Housing & Urban Development Authority

.....Petitioner

Versus

Roop Lal Verma & another

....Respondents.

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹

For the Petitioner:

Mr. C.N. Singh, Advocate

For the Respondents:

Mr. P.S. Goverdhan, Senior Advocate with Mr. Rakesh Thakur, Advocate, for respondent No. 1.

Mr. Gobind Korla, Additional Advocate General, for respondent No. 2.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present Writ Petition is directed against the order dated 10.08.2017, passed by the erstwhile Himachal Pradesh Administrative Tribunal, Shimla, Camp at Mandi (for short "the Tribunal"), in Original

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

Application (M) No. 172 of 2016, **Roop Lal Verma Versus State of Himachal Pradesh & another**, whereby while allowing the Original Application, directions were issued as such to consider the case of the applicant for promotion to the post of Superintendent Grade-II by holding a Review DPC within a period of two months. In case the applicant was found suitable by the Review DPC, a supernumerary post was directed to be created and the applicant was to be held entitled to all consequential benefits.

2. The sole argument raised by the learned Counsel for the petitioner-Authority is that when the order was passed by the Tribunal on 10.08.2017, the employee had already retired as such on 30.04.2013 and the Original Application had been filed only in the year 2016 post his retirement and, therefore, the directions issued by the Tribunal were not liable to be given effect to. His further contention is that there was no vacancy as such, against which the applicant-employee could have been granted the benefit of promotion, at that point of time.

3. The Tribunal while narrating the facts, had noticed that juniors to the applicant, namely, Smt. Nirdosh Chauhan and Smt. Pushpa Devi had been promoted on adhoc basis on 01.06.2012 and 18.08.2012, respectively and thereafter granted the benefit of regular promotion from that date vide order dated 09.06.2015. The applicant was admittedly senior to them, but he was not considered for promotion and, therefore, he was required to be considered for promotion to the post of the Superintendent Grade-II from the date of the availability of the post. In such circumstances, the directions had been issued.

4. On the other hand, learned Senior Counsel for respondent No. 1/employee has brought to our notice the order dated 28.09.2010 (Annexure A-2), whereby the applicant was promoted to the post of Superintendent Grade-II on adhoc basis in the pay structure of Rs. 10,300-34,800 + GP Rs. 4200/-.

5. Apparently, as noticed by the Tribunal also, the aforesaid juniors to the applicant were promoted almost a year later, i.e. on 01.06.2012 and 18.08.2012 on the same status as adhoc promotion to the post of

Superintendent Grade-II. The claim as such was for regular promotion. The said two persons as such have been given the benefit of the promotion from the date of their orders passed in their favour in the year 2012, which would be clear from the order dated 09.06.2015 (Annexure A-3). The said order reads as under:-

“On the recommendation of the Recruitment and Promotion Committee (Lower), held on 09-06-2015, the adhoc promotion of following Superintendent Grade-II made vide Orders dated 1-06-2012, 18-08-2012, 19-05-2014 & 7-08-2014 is hereby regularized in the pay scale of Rs.10300-34800+Rs.4800 from the date of joining as such:-

Sr.No.	Name of incumbent
1.	Sh. Tek Ram
2.	Smt. Nirdosh Chauhan
3.	Smt. Pushpa Devi
4.	Sh. Hari Krishan Sharma
5.	Sh. Milkhi Ram-II
6.	Sh. Sohan Singh
7/	Sh. Mast Ram.

Option with regard to fix pay as required under saving Clause of F.R. 22 (1)(a)(1) be exercised within one month from the issue of this order.”

6. It is thus apparent that the Tribunal had granted the said benefit only on account of the fact that juniors to the applicant had been granted the same benefit from the date of their promotion in the year 2012 and admittedly, the applicant was in service at that point of time, as he had retired only on 30.04.2013. Once the juniors to the applicant had secured promotion on full scale basis on the post of Superintendent Grade-II with retrospective effect, then the contention now raised that on account of the retirement as such the applicant would not be liable to get the benefit, is without any basis.

7. Counsel for respondent No. 1 has brought to our notice that in fact the petitioner/Authority itself on 29.01.2016 had recommended the case of the applicant alongwith similarly situated persons to the Government for promotion to the post of Superintendent Grade-II by giving examples of the similarly situated persons, whose services had already been regularized, The relevant part of the order reads as under:-

"In view of the above, it is, therefore, requested that the case of the retired

employee to regularize their adhoc promotion may kindly be examined at Govt. level and necessary advice/clarification may kindly be conveyed to this office, so that their services could be regularized and they may be able to get their pay fixed under FR 22(1)(a)(1) after giving option accordingly.

8. It is thus apparent that the Authority itself was well aware of the fact that the applicant was entitled to the said benefit. In such circumstances, we are of the considered opinion that it cannot be allowed to blow hot and cold, at the same time.

9. Reluctantly, we do not find any plausible reason to entertain the present Writ Petition. Accordingly, the same is dismissed and the order dated 10.08.2017 passed by the Tribunal is upheld.

10. It is also disheartening to notice that in spite of the order dated 10.08.2017, passed by the Tribunal and when no stay had been granted by the Court, the Authority had chosen not to implement the order of the Tribunal. The petitioner-Authority is directed to do the needful within a period of two months from today.

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

(G.S. Sandhawalia)
Chief Justice.

August 26, 2025
(hemlata)

(Ranjan Sharma)
Judge.