

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No. 288 of 2026

Date of Decision : 06.10.2026

State of Himachal Pradesh and another

..... Appellants

vs.

Man Singh

..... Respondent

Coram:

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

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Appellants : Mr. P.P. Singh, Additional Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

By way of the present appeal, the State is seeking consideration of the judgment, passed by the learned Single Judge, in ***CWPOA No. 915 of 2020***, titled ***Man Singh vs. State of Himachal Pradesh and another***, dated 13.10.2025, whereby the same was allowed to the limited extent of setting aside the order dated 18.05.2016 (Annexure A-22) and directing the authorities to pass a fresh order, in terms of the judgment of the Hon'ble Supreme Court in ***Union of India and others vs. K.V. Jankiraman and others, (1991) 4 SCC 109***.

2. Vide the impugned order dated 18.05.2016 (Annexure A-22), the respondent-employee had been granted promotion to the

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

post of Daftri (Class-IV), on notional basis, w.e.f. 04.03.2014, and on a regular basis with immediate effect.

3. The learned Single Judge came to the conclusion that in the departmental proceedings, which were initiated against the employee, initially a penalty withholding two increments with cumulative effect had been imposed, and the employee had also been placed under suspension w.e.f. 04.11.2010 to 31.12.2010. However, the said penalty order dated 01.04.2014 was subsequently set aside in appeal by the Appellate Authority on 28.08.2014. Furthermore, the criminal proceedings on account of an FIR had resulted in an acquittal on 01.06.2015.

4. Therefore, keeping in view the fact that the order passed by the authorities dated 18.05.2016 (Annexure A-22) was non-speaking, as such, as to why the benefits of retrospective promotion were being restricted merely to a notional basis and monetary benefits were being denied, the same was set aside by the learned Single Judge with direction to issue fresh orders in terms of **K.V. Jankiraman's case** (supra). This action was to be done by 15.11.2025, failing which, the State Authorities were to release all monetary benefits to the petitioner as Daftri (Class-IV) for period of retrospective promotion from 04.03.2014 to 18.05.2016, on or before 31.12.2025.

5. Heavy reliance was placed upon the authoritative pronouncement of the Hon'ble Apex Court, in ***K.V. Jankiraman's case*** (supra), as well as the principles enunciated in ***State of Andhra Pradesh vs. K.V.L. Narasimha Rao and others, (1999) 4 SCC 181***; ***State of Kerala and others vs. E.K. Bhaskaran Pillai, (2007) 6 SCC 524***; ***Ramesh Kumar vs. Union of India and others, (2015) 14 SCC 335***; and ***Gowramma C. (Dead) by Legal Representatives vs. Manager (Personnel), Hindustan Aeronautical Limited and another, (2022) 11 SCC 794***.

6. Similarly, reliance was also placed upon various decisions rendered by both Division Benches and Single Benches of this Court, in support of the proposition, as such.

7. Learned Additional Advocate General, thus, is not in a position to argue that the view taken by the learned Single Judge suffered from any infirmity, as the petitioner/employee had earned the benefit of setting aside the penalty order before the Appellate Authority and the State was unable to substantiate the charges in the criminal proceedings.

8. In such circumstances, reliance was rightly placed upon the principles laid down in ***K.V. Jankiraman's case*** (supra) that the State is not precluded, as such, but has to give some reasons for doing so and, therefore, notional benefits had been granted and financial

benefits had been denied vide the order impugned, which did not give any valid reasons.

9. In view of above circumstances, the relief has been granted by the learned Single Judge in view of the settled principles of law and, as such, the impugned judgment warrants no interference.

10. Consequently, the appeal is dismissed. Pending application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

October 06, 2026 (KS)

(Bipin Chander Negi)
Judge