

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CWP No.5068 of 2020****Decided on: 24th August, 2026**

Satya Pal Singh Chandel

...Petitioner

versus

State of H.P. and others

...Respondents

*Coram****Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.******Whether approved for reporting?¹*****For the petitioner: Mr. Surinder Saklani, Advocate.****For the respondents: Mr. Hemant Kumar Verma,
Deputy Advocate General.****Jiya Lal Bhardwaj, Judge(Oral)****CMP No. 21688 of 2026**

By way of present application, the applicant/petitioner has prayed for early hearing of the petition. In view of the averments made in the application, the same is allowed and accordingly disposed of.

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At the request of learned counsel for the parties, the matter is heard today itself.

2. The petitioner by way of present petition has prayed for the following substantive reliefs:-

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

- “i) That a writ in the nature of certiorari may very kindly be issued and impugned rejection dated 30.08.2018 as contained in Annexure P- 5 may very kindly be quashed and set aside.*
- ii) That a writ of mandamus may very kindly be issued thereby directing the respondents to upgrade the post of Law Officer, presently held by the petitioner to the higher hierarchical post of Senior Law Officer at par with his counterpart Law Officer in the Directorate of Women and Child Welfare on the basis of principal of parity, from the period he was granted the benefit of high hierarchical post of Sr. Law Officer or from the date of completion of two years of services i.e. w.e.f. 22.10.2018 along with all the consequential benefits of the higher post.”*

3. The facts as emerge from the pleadings are that the petitioner was initially appointed as Clerk in the erstwhile Department of Social and Women Welfare, Himachal Pradesh, where he joined his services on 25.05.2000. Thereafter, he was promoted to the post of Senior Assistant in the year 2014. Later on, he was promoted/placed to the post of Law Officer, Class-II (Gazetted) in the identical pay scale of Rs.10,300-34,800+Rs.4400 Grade Pay, which he was already getting while working as Senior Assistant. As per the Recruitment and Promotion Rules, the essential educational qualification for the post of Law Officer is Law Graduate with Degree in Law (Professional) and essential minimum 3 years' experience of dealing with legal matters in the Department. The petitioner was having the degree in Law (Professional)

and had also experience of more than five years, since he was dealing with legal matters, he being eligible was placed as Law Officer, Class-II (Gazetted) in the Department.

4. It has been averred that the petitioner has not been provided the benefit of hierarchical post of Senior Law Officer, even after serving nearly about four years on the same post of Law Officer at par with the Law Officers working in the Directorate of Women and Child Welfare and other Departments on the analogy of parity and the respondent-State rejected his three representations without any justification and plausible reasons, thereby depriving him of the benefit of higher post granted to other counterparts working in the other offices.

5. Learned counsel for the petitioner has brought to the notice of this Court that the similar issue had cropped up before the coordinate Bench of this Court in CWP No.5865 of 2023, titled, ***Sanjeev Kumar versus State of Himachal Pradesh and others***, wherein the Court, after taking notice of Vijay Kumar Kapila, in whose case the post of Law Officer was upgraded as Senior Law Officer (Class-I Gazetted) after completion of just five years of service as Law Officer had held that the Court cannot allow the employer to discriminate

between similarly situate persons and gave directions to the respondents to upgrade the post of Law Officer being held by the petitioner to the post of Senior Law Officer Class-I as a measure personal to him after taking into consideration the communication dated 25.06.2021 addressed by the Chief Secretary to the Government of Himachal Pradesh on the subject regarding “cadre of Law Officers in various Government Departments,” to upgrade the post of Law Officer in light of the fact that as of now, as per the date of his appointment, he had completed eight years of service and as per the date of regularization, he had completed more than five years of service.

6. The aforesaid judgment passed by the coordinate Bench of this Court was assailed before the Division Bench of this Court by way of LPA No.470 of 2024, titled, ***State of Himachal Pradesh and others versus Sanjeev Kumar*** and the judgment passed by the coordinate Bench of this Court has been affirmed, thereby dismissing the appeal preferred by the respondents on 02.07.2025.

7. Learned counsel for the petitioner argued that since the issue has already been set at rest by the aforesaid judgment passed by this Court, the petitioner would be

satisfied in case a direction is given to the respondents to consider his claim strictly in light of the observations made in the aforesaid judgments.

8. Learned Deputy Advocate General submitted that in case the claim raised by the present petitioner is akin to the facts in the judgment passed by a coordinate Bench of this Court referred above, which has attained finality, the respondents shall also consider his case and pass appropriate orders. As per the application filed by the petitioner for early hearing, the petitioner is 57 years old and, therefore, instead of adjudicating the claim on merits as well as keeping in view the fact that the similar issue has already been adjudicated by the coordinate Bench of this Court, interest of justice will be met in case a direction is given to the respondents to consider the claim of the petitioner strictly in terms of the judgments referred hereinabove.

9. Consequently, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioner strictly in light of the judgment rendered in **Sanjeev Kumar's** case (supra), uninfluenced by the order of rejection dated 30.08.2018, passed by respondent No.1. The respondents are directed to consider the claim of the

petitioner within two months positively from today, keeping in view the fact that the petitioner is 57 years old and in case he is found similarly situate as per the decision rendered in ***Sanjeev Kumar's*** case, all benefits shall be granted to him within two months thereafter.

10. The writ petition is disposed of in the aforesaid terms. No order as to costs. Pending applications, if any, also stand disposed of.

24th August, 2026
(naveen)

(Jiya Lal Bhardwaj)
Judge