

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWPOA No.5625 of 2019****a/w CWPOA No.5612 of 2019****Decided on: 11th September, 2026**

1. CWPOA No. 5625 of 2019

Mast Ram

...Petitioner**Versus**

State of Himachal Pradesh and others

...Respondents

2. CWPOA No.5612 of 2019

Manohar Lal

...Petitioner**Versus**

State of Himachal Pradesh and others

...Respondents

*Coram***Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge***Whether approved for reporting?¹*

For the petitioner(s):

Mr. Rupesh Kumar, Advocate.

For the respondents:

Mr. R.P. Singh, Deputy Advocate
General.

Jiya Lal Bhardwaj, Judge *(Oral)*

Since both the petitions involve common question of law and facts, they are being decided together.

2. For brevity, the facts of CWPOA No. 5625 of 2019 are considered for deciding the controversy in both the petitions.

3. The petitioner-Mast Ram was appointed as a Beldar on daily wage basis in the month of November, 1992 and his services were regularized w.e.f. 01.01.2003. For filling up the

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

vacant posts of Pump Operators, the daily wage Beldars, who were matriculate and working with Pumps in Lift Water Supply Schemes, were imparted the training and since the petitioner was also working with Pumps in Lift Water Supply Scheme, he was imparted the training in Polytechnic College, Sundernagar.

4. It has further been averred that the respondents were extracting work from the petitioner on the post of Pump Operator in Lift Water Supply Scheme (in short "LWSS") Kuneharu, Sub Division Karsog, from the year 1995 to 2003; LWSS Marog-Grahoch, Sub Division Sundernagar, during the year 2004; in LWSS Bhyankar, Sub Division Nihri, during the year 2007; and again in LWSS Marog-Grahoch from the year 2008. However, instead of regularizing his services as Pump Operator, his services were regularized as a Beldar w.e.f. 01.01.2003. Thereafter, as per office order dated 19.04.2012 (Annexure A-2), he was designated as Beldar (Pump Operator Helper) w.e.f. 04.01.2007.

5. The petitioner was given the designation of Beldar (Pump Operator Helper) in order to make him eligible for promotion to the post of Pump Operator. However, his claim was not considered for promotion to the post of Pump Operator,

whereas the persons, who were not even eligible as per the Recruitment and Promotion Rules (in short "R&P Rules") were promoted to the post of Pump Operator, irrespective of their not having passed Pump Operator training. It has also been averred that the petitioner has no grievance against the promotion of other candidates, however, since he was possessing the requisite qualification to hold the post, he ought to have been considered for promotion. The action on the part of the respondents in not considering the petitioner for promotion to the post of Pump Operator is highly unjust, illegal, arbitrary and contrary to the principles of natural justice and thus, prayed that the respondents may be directed to consider him for promotion to the post of Pump Operator w.e.f. the due date with all consequential benefits.

6. The respondents filed reply to the petition and averred that the petition is not maintainable on facts and law. It has been averred that the petitioner was working as Beldar w.e.f. 01.01.2003 and was re-designated as Pump Operator Helper w.e.f. 19.04.2012. As per the R&P Rules issued by the Principal Secretary, IPH to the Government of Himachal Pradesh, vide Notification dated 30.05.2006, the recruitment/promotion of

Pump Operator is 50% by direct recruitment and 50% by promotion amongst the Helpers/Pump Attendants, who possess 8 years of regular service as work charge, which shall include 5 years of experience of working with pump motors and electrical accessories. In the case of the petitioner, he has been re-designated as Pump Operator Helper w.e.f. 19.04.2012 and he still does not fulfill the criteria of 5 years' experience for promotion as Pump Operator. The promotion is always made strictly as per seniority and in accordance with the provisions of the R&P Rules. The name of the petitioner in the feeder category falls at serial No.189, whereas promotion of Pump Operator has been made up to serial No.185 strictly as per the seniority and R&P Rules. At present, no post of Pump Operator is lying vacant and therefore, the petitioner will be considered for promotion as Pump Operator as per vacancy, seniority and R&P Rules. It has further been submitted that no junior to the petitioner in the feeder category has been promoted as Pump Operator and hence, the petition is premature and not maintainable and thus deserves dismissal.

7. The petitioner filed rejoinder to the reply filed by the respondents and controverted the averments made therein.

7. I have heard the learned counsel for the parties and also perused the record carefully.

8. It has not been denied by the respondents that as per the R&P Rules, for promotion to the post of Pump Operator, 50% promotion is to be made from amongst the Helpers/Pump Attendants, who possess 8 years of regular service as work charge, which shall include 5 years of experience of working with pump motors and electrical accessories. However, the promotion has been denied to the petitioner on the ground that he did not possess the requisite criteria of 5 years' experience for promotion as Pump Operator, taking his re-designation as Pump Operator Helper w.e.f. 19.04.2012. If office order dated 19.04.2012 (Annexure A-2) is perused, the petitioner who had undergone 2 months of departmental training on Pump Operation & Maintenance w.e.f. 01.02.2006 to 31.03.2006, was re-designated as Beldar (Pump Operator Helper) from the date mentioned in the appointment order No.15930-34 dated 04.01.2007. If the period of 5 years is computed w.e.f. 04.01.2007, the petitioner had completed 5 years' service as Beldar (Pump Operator Helper) on 04.01.2012 and was thus eligible for promotion to the post of Pump Operator during the year, 2012.

9. It has been admitted by the respondents in the reply that the petitioner was working as Beldar w.e.f. 01.01.2003, meaning thereby, that as per the R&P Rules, as mentioned in the reply to the petition, a person who possesses 8 years of regular service as work charge, which shall include 5 years of experience of working with pump motors and electrical accessories, is eligible for promotion. The respondents have ignored the candidature of the petitioner for promotion to the post of Pump Operator taking the date of his re-designation as Pump Operator Helper w.e.f. 19.04.2012, which is factually incorrect as per the office order dated 19.04.2012 (Annexure A-2), wherein the official of the respondents had shown the appointment/re-designation of the petitioner as Beldar (Pump Operator Helper) w.e.f. 04.01.2007, which document has not been disputed/denied by the respondents while filing reply to the petition.

10. Learned counsel for the petitioner has argued that the persons who were not even possessing the requisite qualifications as per the R&P Rules, were also considered for promotion, but the reply does not support the said contention. However, the respondents have wrongly construed the experience of the petitioner w.e.f. 19.04.2012, whereas it ought to have been w.e.f.

04.01.2007.

11. In the connected petition filed by Manohar Lal, being CWPOA No.5612 of 2019, he was engaged as a Beldar on daily wage basis with the respondents on 03.09.1996 and his services were regularized w.e.f. 25.10.2007.

12. The respondents in the reply have stated that he was re-designated as Pump Operator Helper w.e.f. 10.04.2012, whereas, as per office order dated 25.04.2012 (Annexure A-2), he was re-designated as Pump Operator Helper from the date mentioned against his name in the said order, which is dated 10.10.2007. As per the R&P Rules, he became eligible for promotion to the post of Pump Operator after completion of 8 years of service as on 10.10.2015. In this case too, the date of his re-designation as Pump Operator Helper has been taken as 10.04.2012, ignoring the designation conferred upon him as Pump Operator Helper w.e.f. 10.10.2007.

13. The respondents have not disputed in both the petitions that the petitioners have been re-designated as Pump Operator Helper, but the dates are being considered wrongly from the year 2012, whereas they were re-designated as Pump Operator Helper in the year 2007, as mentioned hereinabove.

14. The respondents have wrongly ignored the candidature of the petitioners for promotion to the post of Pump Operators, which action is illegal, arbitrary and discriminatory. Thus, the petitioners are held entitled for their promotion after completion of their requisite period of service, taking their appointment/re-designation as Pump Operator Helper from the dates, as mentioned in Annexure A-2 in their petitions.

15. Consequently, both the petitions are allowed and the respondents are directed to consider the cases of the petitioners for promotion to the post of Pump Operators taking their re-designation as Beldar (Pump Operator Helper), as mentioned in (Annexure A-2) in their respective petitions i.e. 04.01.2007 in the case of petitioner-Mast Ram and 10.10.2007 in the case of Manohar Lal, as per the R&P Rules prevalent at the time of filling up the posts and lying vacant with all consequential benefits, seniority, increments and further promotions, if any. The respondents are directed to do the entire exercise within a period of three months from today. No orders as to costs. Pending application(s), if any, also stand disposed of.

11th September, 2026
(ankit)

(Jiya Lal Bhardwaj)
Judge