

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11865 of 2025

Decided on: 8th October, 2026

Inder Pal

.....**Petitioner**

Versus

Sardar Patel University, Mandi

.....**Respondent**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹ Yes.

For the Petitioner: Mr. Sanjeev Bhushan, Senior Advocate
with Mr. Atul Kumar and Mr. Abhilash
Bhardhwaj, Advocates.

For the Respondent: Ms. Archana Dutt, Advocate.

Jyotsna Rewal Dua, Judge

The issue involved in this writ petition is as to whether on technical resignation from the parent department, the past service rendered in the parent department is liable to be counted as qualifying service for the purpose of promotion in the new department.

2. Facts:-

2(i). Petitioner was appointed as Clerk in the State Education Department and joined as such at GSSS Pandoh on 03.03.2001. He was promoted as Senior Assistant on

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

02.08.2011. Petitioner was further promoted as Superintendent Grade-II on 13.08.2022.

2(ii). Respondent-University was established by an Act of State Legislature, namely 'The Sardar Patel University Mandi, Himachal Pradesh (Establishment and Regulation) Act, 2021' (in short '2021 Act') and came into existence w.e.f. 01.04.2022.

2(iii). On 05.01.2022, respondent-University invited applications from eligible candidates for recruitment against several posts including six posts of Superintendent Grade-II to be filled up on regular basis. A thorough selection process was undertaken by the respondent-University for filling up the aforesaid posts.

2(iv). Petitioner also applied for the post of Superintendent Grade-II, through proper channel by taking the No Objection Certificate from the State Education Department. He was selected and found place as such at Sr. No.6 in the merit list (last candidate in the merit list).

2(v). Consequent upon his selection as Superintendent Grade-II in the respondent-University, petitioner tendered technical resignation in the State Education Department, which was accepted w.e.f. 22.08.2022 vide Annexure P-3. In terms of the said office

order (Annexure P-3), on account of acceptance of technical resignation of the petitioner, his lien was to remain in the State Education Department for a period of two years from the date of issuance of the said office order. Petitioner joined as Superintendent Grade-II in the respondent-University on 10.10.2022.

2(vi). The respondent-University had notified Recruitment & Promotion (R&P) Rules for its various posts, including that of Section Officer and Superintendent Grade-II on 24.12.2020 (Annexure P-4). The dispute in this writ petition essentially pertains to the post of Section Officer in the respondent-University. The Rules governing this post are as under (relevant extract):-

“c. Section officer

Pay Scale: 15600-39100 +5400 G.P.

Essential Qualifications

1 At least graduate from a recognized University or its equivalent.

and

Three years as Superintendent Grade-II

or

at least 19 years regular service or regular combined with continuous service, as Superintendent G-II, Sr. Assistant, Jr. Assistant and Clerk/JOA (IT), combined which shall also include two years essential service as Superintendent Grade II.

2 Good working knowledge of computer applications.

Desirable Qualifications:

(i) Knowledge of customs manner and dialects of Himachal Pradesh.

Field of Choice:- Superintendent Grade-II”

2(vii). A post of Section Officer became available in the respondent-University on 30.04.2025 due to superannuation of one Sh. Shyam Lal, a directly appointed Section Officer. According to the petitioner, he was eligible for promotion to the post of Section Officer, as he had to his credit requisite service as Superintendent Grade-II by including the service rendered by him in the State Education Department. He also had requisite number of years of regular service or regular combined with continuous service in several other cadres in the State Education Department. He preferred representations to the respondent-University for convening the meeting of Departmental Promotion Committee (DPC) and for considering his case for promotion to the post of Section Officer on account of his alleged eligibility in terms of the applicable R&P Rules.

2(viii). It is the case of the petitioner that his representations had been dealt with in the offices of the respondent-University and he was held to be eligible for promotion. Since the respondent-University did not communicate any decision to the petitioner upon his representations, he preferred ***Inder Pal Versus Sardar***

Patel University Mandi². The writ petition was disposed of without going into the merits of the case, but with direction to the respondent/competent authority to decide petitioner's pending representations within the timeline indicated therein.

2(ix). Pursuant to above, a Committee was constituted by the respondent-University on 03.07.2025 to examine petitioner's representation concerning his promotion to the post of Section Officer. The Committee furnished its report on 07.07.2025 and did not find any merit in petitioner's claim. This led the petitioner to institute present writ petition seeking following substantive reliefs:-

- "A. The respondents may kindly be directed to consider the entire services in view of recruitment and promotion Rules, by conducting the DPC and the petitioner may kindly be promoted as Section Officer w.e.f. 1st May, 2025, or when the petitioner has held the charge of Section Officer in the interest of justice and fair play and as so long as the matter is sub judice in the court of law DPC for any post in the respondent University may be held in abeyance.*
- B. The respondent University may kindly be directed to act upon the Recruitment and Promotion Rules 2020 and the respondent may kindly be directed to hold the DPC as early as possible in the interest of justice."*

Pursuant to the previous order passed in this matter, learned Additional Advocate General has placed on record detailed instructions dated 07.10.2026 from the

² CWP No.10297 of 2025, decided on 27.06.2025

Principal Secretary (Personnel) to the Government of Himachal Pradesh. Relevant portion of the instructions reads as under:-

- “2. It is respectfully submitted that as per provisions contained in Rule-26 of CCS (Pension) Rules, 1972 and subsequent decision of the Government of India made thereunder, in cases where Government servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under the rules, be given for purposes of fixation of pay in the new post treating the resignation as a ‘technical formality’.
3. However, the benefit of such past service for the purpose of determining eligibility for promotion to a higher post is required to be examined with reference to the specific Recruitment Rules governing the promotional post. The service rendered in the parent Department prior to technical resignation cannot be treated as qualifying service for promotion in the new Department merely on the ground that the resignation was technical. Where the Recruitment Rules prescribe a specified period of regular service in the feeder grade/cadre, only such service as is reckonable under the said Rules can be taken into account. If the Recruitment Rules specifically permit counting of equivalent regular service rendered in another Department/service, or contain any provision for protection/counting of such past service in cases of technical resignation, the same may be allowed subject to fulfillment of the prescribed conditions.....”

3. Submissions:-

3(i). Learned Senior Counsel for the petitioner submits that the past service rendered by the petitioner in the State Education Department is required to be counted towards satisfaction of eligibility criteria for possessing

requisite number of years of service for the purpose of promotion to the higher post in the respondent-University. Specific reference was made to Annexure P-11A and the decision of Executive Council of the respondent-University recorded therein in relation to Agenda Item No.2.8. Portion pressed into service is as under:-

Item No.2.8	<i>Provision of transfer of lien for employees appointed/ transferred/absorbed from various State University/ State Departments covered under Old Pension Scheme</i>
	<i>As per clause-9 of the Sardar Patel University Mandi, Himachal Pradesh (Establishment and Regulation) Act 2021, there is provision that “all officers and other employees” of education institutions which will fall under the jurisdiction of Sardar Patel University Mandi:</i> <i>a) “Such officers and employees of the above mentioned institutions shall be allowed to exercise an option whether or not they wish their services to be taken over by the University.</i> <i>b) The existing rights and service conditions of such employees who opt for service in the University shall be protected and</i> <i>c) Any service rendered by any such officer or other employee before such transfer of his service to the University shall be deemed to be service rendered in connection with the administration of the University, on the condition that their leave, pension, provident fund, gratuity contribution in respect of the service render by them to the Himachal Pradesh University shall be reimbursed to the University by the Himachal Pradesh University.”</i> <i>As it is a new University so officers/officials from the State University and State Departments will also be absorbed/appointed/transferred on various non-teaching posts. To attract the capable, experienced and knowledgeable employees, the above provision of Clause-9 of the University Act may be made applicable/approved in respect of employees absorbed/appointed/transferred from the Government Departments/ State Universities.</i>

	<i>The item is placed before the Executive Council for consideration and approval</i> <i>Decision: Agenda item No.2.8 was Approved with Annexures.</i> <i>To attract the capable, experienced and knowledgeable employees from the State University and State Govt. Departments the provisions of Clause-9.of the University Act, in respect of the employees absorbed/appointed/transferred from the Government Department/ State Universities have been approved to be made applicable in the University from the day of its inception i.e. 01-04-2022.</i> <i>Any service rendered by any such officer or other employee before such transfer of his service to the University shall be deemed to be service rendered in connection with the administration of the University, on the condition that their leave, pension, provident fund, gratuity contribution in respect of the service render by them to the Government Department/State Universities shall be reimbursed to the Sardar Patel University, Mandi from the concerned Department.”</i>
--	--

Learned Senior Counsel for the petitioner submitted that in terms of the decision taken by the Executive Council of the respondent-University, the provision of Section 9 of the 2021 Act has also been extended in respect of employees absorbed/appointed/transferred from the Government Departments/State Universities. The service rendered by any such officer or other employee before transfer of his service to the respondent-University has to be deemed to be the service rendered in connection with the administration of the University. Learned Senior Counsel for the petitioner placed

reliance upon ***Alisha Chauhan Versus State of Himachal Pradesh and others***³ in support of his submissions.

3(ii). Learned counsel for the respondent-University urged that the petitioner was directly recruited as Superintendent Grade-II pursuant to a selection process undertaken by the respondent-University. He was at Sr. No.6 in the merit list and consequently at the same position in the seniority list of Superintendent Grade-II. The past service rendered by the petitioner in the State Education Department, therefore, cannot be considered for the purpose of ascertaining his eligibility for promotion to the higher post of Section Officer in the respondent-University. Learned counsel also submitted that the decision taken on Agenda Item No.2.8 was only by the Executive Council. That the aforesaid decision of the Executive Council has not been given effect as it was not in consonance with Section 9 of the 2021 Act.

4. Heard and considered the case file.

4(i). Petitioner was admittedly an employee of the State Education Department, where he was appointed as Clerk on 03.03.2001 and got promoted to the post of Superintendent Grade-II on 13.08.2022. The respondent-

³ CWP No.2341 of 2023, decided on 24.09.2024

University had issued an advertisement on 05.01.2022, *inter alia*, for filling up six posts of Superintendent Grade-II on regular basis. The advertisement was issued in view of the R&P Rules framed by the respondent-University vide notification dated 24.12.2020. The R&P Rules do not contain any provision for counting past service rendered by the petitioner as Superintendent Grade-II in the State Education Department, either for the purpose of consideration for appointment to the post of Superintendent Grade-II or for determining eligibility towards computing requisite service for the purpose of promotion to the higher post of Section Officer in the respondent-University. Relevant Rule has already been extracted in para 2(vi) above.

It is also not in dispute that petitioner was placed at Sr. No.6 in the merit list out of six candidates selected by the respondent-University against the posts of Superintendent Grade-II advertised on 05.01.2022 and consequently was assigned seniority position No.6. There is no challenge either to the R&P Rules or the placement of the petitioner in the seniority list.

4(ii). The 2021 Act was assented to by the Governor of Himachal Pradesh on 05.02.2022. Section 9 of the 2021 Act, relied upon by both sides, is as under:

“9. Transfer of assets, liabilities and of employees of certain institutions of the Himachal Pradesh University.- On the commencement of this Act, the assets and liabilities of education institutions of Himachal Pradesh University that fall under the jurisdiction of the Sardar Patel University Mandi, Himachal Pradesh shall stand transferred to and shall vest in the University, in accordance with the terms and conditions mutually agreed to between the Sardar Patel University Mandi and the Himachal Pradesh University, Shimla. All officers and other employees of these institutions holding office as such immediately before the commencement of this Act, shall, on such commencement-become the officers and other employees of the University:

Provided that-

- (a) such officers and employees of the above mentioned institutions shall be allowed to exercise an option whether or not they wish their services to be taken over by the University;*
- (b) the existing rights and service conditions of such employees who opt for service in the University shall be protected; and*
- (c) any service rendered by any such officer or other employee before such transfer of his service to the University shall be deemed to be service rendered in connection with the administration of the University, on the condition that their leave, pension, provident fund and gratuity contribution in respect of the service rendered by them to the Himachal Pradesh University, shall be reimbursed to the University by the Himachal Pradesh University:*

Provided that in the event of any dispute or difficulty in the matter of implementation of the provisions of this section the matter shall be referred to the State Government, whose decision shall be final.”

As per the afore-extracted Section 9, on the commencement of the Act, i.e. 01.04.2022, the assets and liabilities of educational institutions of Himachal Pradesh University that fall within the jurisdiction of the respondent-University shall stand transferred to and would vest in the respondent-University in accordance with the agreed terms and conditions. The Section further provides that all officers and other employees of these institutions (Educational Institutions of Himachal Pradesh University) holding office as such immediately before the commencement of the Act, shall on such commencement would become officers and other employees of the respondent-University. There are certain riders provided in the section, viz. such officers and employees of educational institutions of Himachal Pradesh University would be allowed to exercise an option for taking over of their services by the respondent-University. In case of exercise of such option, the existing rights and service conditions of such employees would be protected in the respondent-University. Service rendered by such officers/employees (of educational institutions of Himachal Pradesh University) before transfer of their services to the respondent-University shall be deemed to be the service rendered in

connection with the administration of the respondent-University. This is also subject to condition that their leave, pension, provident fund and gratuity contribution etc. in respect of service rendered by them in Himachal Pradesh University shall be reimbursed by the Himachal Pradesh University to the respondent-University. It is, thus, evident that Section 9 of the 2021 Act pertains to employees of educational institutions of Himachal Pradesh University, who on account of creation of the respondent-University, have come within the ambit of jurisdiction of the respondent-University and have exercised option to serve the respondent-University.

Agenda Item No.2.8 (extracted in para *supra*), though according to learned counsel for the respondent-University has not been accepted and acted upon by the respondent-University in view of it being contrary to Section 9 of the Act, yet, even if Agenda Item No.2.8, as approved by the Executive Council of respondent-University, is taken into consideration, then also it is in relation to such employees of the Government Departments/State Universities, who have been absorbed/appointed/transferred from such Government Departments/State Universities and rendering their services in the respondent-

University at the time of its inception with the rider that such employees would be allowed to exercise option as to whether or not they wish their services to be taken over by the respondent-University from the date of enforcement of the Act. In terms of the decision taken by the Executive Council, service rendered by such officer or employee before transfer of his service to the respondent-University would be deemed to be service rendered in connection with the administration of the respondent-University.

All these conditions are missing in the present case. Petitioner was not serving in the respondent-University at the time of its inception. His services were not transferred by State Education Department to the respondent-University. Petitioner was not even employee of any educational institution of the Himachal Pradesh University, which on account of creation of the respondent-University, had fallen within the jurisdiction of the respondent-University. Petitioner was a directly recruited employee by the respondent-University pursuant to a recruitment process undertaken by the respondent-University under advertisement dated 05.01.2022. Petitioner after undergoing the selection process had joined the respondent-University as directly recruited

Superintendent Grade-II on 10.10.2022. Petitioner's claim to count past service in their parent department as qualifying service for a promotion in the new department cannot be sustained based upon *Alisha Chauhan*³. In *Alisha Chauhan*³, relief was granted because both posts, i.e. Excise & Taxation officer and District Treasury Officer, were part of the same 8% quota across 12 feeder categories for induction into the Himachal Pradesh Administrative Service. Because both roles fed into the exact same promotional avenue, it was held that ignoring the earlier service was legally impermissible. In contrast, the present case involves an attempt to count service across unrelated departments with distinct promotional cadres governed by altogether different Rules.

4(iii). At this stage, it would also be relevant to take note of Rule 9(13) of the Fundamental Rules, which reads as under:-

“(13) Lien means the title of a Government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation:

Provided that the title to hold a regular post shall be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.”

Rule 26 of the CCS (Pension) Rules, being relevant to the controversy, is extracted below:-

“26. Forfeiture of service on resignation

- (1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.*
- (2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.*
- (3) The order accepting the resignation should clearly indicate that the Government servant has resigned to join another appointment with proper permission and a specific entry to this effect shall also be made by the Head of Office in the service book of the Government servant.*
- (4) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.*
- (5) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:-*
 - (i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;*
 - (ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;*

- (iii) *that the period of absence from duty between the date on which the resignation became effective and the date on which the person applies for permission to withdraw the resignation is not more than ninety days;*
- (iv) *that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.*
- (6) *Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.*
- (7) *When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.*
- (8) *A resignation submitted for the purpose of rule 35 or rule 36 shall not entail forfeiture of past service under the Government.”*

Detailed instructions have been issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training, Government of India vide office memorandum dated 24.11.2022 on ‘technical resignation’. Relevant provisions from the same are as under:-

“2.1 Technical Resignation

- 2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/ 65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has*

applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on ad hoc basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

- (i) the Government servant should intimate the details of such application immediately on their joining;*
- (ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;*
- (iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.*

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds

substantively as define in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

3.1 Lien

3.1.1 *Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to those who have been promoted on regular basis to a higher post where no probation is prescribed under the rules, as the case may be.*

3.1.2 *The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.*

3.2 Lien on a post

A Government servant who has acquired a lien on a post retains a lien on that post-

- (a) while performing the duties of that post;*
- (b) while on foreign service, or holding a temporary post or officiating in another post;*

- (c) *during joining time on transfer to another post; unless is he is transferred substantively to a post on lower pay, in which case his lien is transferred the new post from the date on which he is relieved of his duties in the old post;*
- (d) *while on leave; and*
- (e) *while under suspension.*

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another Central Government office/State Government

- (i) *A permanent Government servant appointed in another Central Government Department/Office/State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in unless he exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.*
- (ii) *The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.*
- (iii) *Timely action should be taken to ensure extension/reversion/resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.*
- (iv) *Temporary Government servants will be required to sever connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.*

3.4 Termination of Lien

3.4.1 *A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.*

3.4.2 *A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.*

3.4.3 *No lien shall be retained:*

- a. *where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/post in the Government from the date of absorption; and*
- b. *on foreign service/deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.*

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15."

From the above, it becomes evident that an employee can have benefit of technical resignation in his parent department in certain given situations. However, as justly clarified by the instructions dated 07.10.2026 placed on record by learned Additional Advocate General from State Personnel Department, the service rendered in the parent department prior to technical resignation cannot be

automatically treated as qualifying service for promotion in the new department merely on the ground that resignation was technical. If the R&P Rules specifically provide for counting of previous service rendered in another department or contain any provision for counting of such past service in cases of technical resignation, the same can be counted and taken into consideration for the purpose of determining eligibility for promotion to the next higher post in the new department. In the instant case, as noticed earlier, the applicable Rules do not permit counting such service as qualifying service for determining eligibility for promotion to the higher post in new department (respondent-University).

No other point was urged.

5. In view of above discussion, in the given facts and circumstances, in view of the provisions of Statute, applicable Rules/governing instructions/provisions of Fundamental Rules and CCS (Pension) Rules, the service rendered by the petitioner in the State Education Department prior to his technical resignation cannot be counted towards determining his eligibility for promotion to the higher post in the respondent-University. This writ petition, therefore, lacks merit and is accordingly

dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

October 08, 2026
Mukesh

Jyotsna Rewal Dua
Judge