

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.16973 of 2026

Decided on: 09.10.2026

Kundan Lal and Ors

....Petitioners

Versus

State of HP and Ors.

...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioners: Mr. Daleep Singh Kaith, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General
with Mr. Rajat Chaudhary, Assistant
Advocate General.

Jyotsna Rewal Dua, Judge

This writ petition has been filed for the grant of
following substantive prayers:-

- “(a) issue a writ in the nature of mandamus, or any other appropriate writ, order or direction, directing the Respondents to consider and decide the case of the petitioners for promotion to the post of Fitter against the promotional quota prescribed for Beldars under the applicable Recruitment and Promotion Rules notified on 12.10.2017, within a stipulated time frame;*
- (b) issue a writ in the nature of mandamus directing the Respondents to convene the Departmental Promotion*

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

Committee(DPC), at the earliest and in any case within a time-bound period, for consideration of the cases of all eligible Beldars, including the petitioners, for promotion to the post of Fitter;

- (c) *direct the Respondents to verify and place on record the actual sanctioned strength, working strength and existing vacancies in the cadre of Fitter, and to take the same into consideration while undertaking the promotional exercise.”*

2. Petitioners' grievance was noticed as under in the order dated 28.09.2026:-

“Notice. Mr. Rajat Choudhary, learned Assistant Advocate General, accepts notice on behalf of the respondents.

2. The petitioners are presently serving as regular Beldars in the Jal Shakti Department. Their case is that, in terms of the applicable Recruitment and Promotion Rules for the post of Junior Technician (Fitter) (Annexure P-2), 10% quota for promotion to the post of Fitter is available to the category of regular Beldars. According to the petitioners, 19 posts of Fitters are lying vacant. Despite the availability of such vacancies, the respondents have not convened the Departmental Promotion Committee (DPC), thereby causing prejudice to the petitioners, who are nearing the age of superannuation.

Let learned Assistant Advocate General to obtain instructions in the matter regarding convening of the DPC for making promotions to the post of Fitter against the 10% quota available under the applicable Recruitment and Promotion Rules.

List on 06.10.2026.”

3. Petitioners' grievance was that they were serving as regular Beldars and in terms of applicable Recruitment & Promotion Rules for the post of Junior Technician (Fitter), 10% quota for promotion to the said post was available to their category of regular Beldars; Despite availability of 19 posts of Fitters, the respondents had not convened the meeting of Departmental Promotion Committee which was causing prejudice to the petitioners who were nearing their retirement.

During hearing of the case on 06.10.2026, learned Assistant Advocate General placed on record office instruction dated 05.10.2026 from respondent No.2- Superintending Engineer, Jal Shakti Vibhag, Circle Kullu, District Kullu, Himachal Pradesh conveying that:- (i) 17 posts of Fitter were lying vacant in the concerned circle. The meeting of Departmental Promotion Committee was accordingly convened on 17.01.2026 to fill up the vacant posts of Fitter. As per applicable provisions of Recruitment and Promotion Rules, only 7 posts (against 10% quota) were required to be filled up from the category of Beldars to which

petitioners belong. Names of the petitioner's figure in the seniority at Sr. No. 137 and down thereunder. Petitioners did not fall within the zone of consideration, and accordingly, their names were neither considered nor they could be promoted against the 7 posts of Fitters filled up under 10% quota available to the category of Beldars for promotion. (ii) Further, the next meeting of Departmental Promotion Committee has been proposed for November 2026. The promotion to the available vacancies of Fitters shall be made on the basis of applicable Recruitment and Promotion Rules keeping in view the seniority positions as also other relevant criteria.

4. Taking note of the above instructions during hearing of the case on 06.10.2026, learned counsel for the petitioner raised one more issue pleaded in Para 12 of the writ petition regarding promotion of one Shri Ghanshyam Singh, alleged to be junior to the petitioners, but having been promoted to the post of Fitter on the basis of recommendations of the DPC convened in November 2025. In view of the above surviving issue of the petitioners, the respondents were directed to place on record fresh

instructions.

The instructions dated 08.10.2026 placed on record by respondent No.2 during today's hearing are to the effect that though aforesaid Shri Ghanshyam Singh, stated to be junior to the petitioners, was promoted to the post of Fitter in November 2025, but it cannot be treated to be a case of supersession as Shri Ghanshyam Singh was considered and promoted against 4% quota earmarked for persons with disabilities in accordance with notification dated 18.08.2022.

5. It is thus evident that grievances of the petitioners raised in this writ petition are misconstrued. The petitioners have not been promoted to the post of Fitter till date on account of their being placed quite down in the seniority position, which plays a significant role in considering eligible incumbents for promotion to the posts of Fitter against 10% quota earmarked for the category of Beldar to which petitioners belong. Petitioners' allegation of discrimination vis-a-vis Shri Ghanshyam Singh is also not correct as Shri Ghanshyam Singh was promoted under a distinct statutory mechanism and cannot be equated with promotion against vacancies falling in ordinary seniority channel.

Consequently, there is no merit in the writ petition. The same accordingly is dismissed. It is hoped and expected that the respondents shall continue to hold timely meetings of Departmental Promotion Committee for making promotion to the post of Fitters so that eligible incumbents can be promoted in accordance with law.

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

Jyotsna Rewal Dua
Judge

October 9, 2026
R. Atal