IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Execution Petition No.427 of 2025
Decided on: 28.04.2026

Manohar Lal

...Petitioner

Versus

Himachal Pradesh Road Transport Corporation & others

...Respondents

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

For the petitioner: Mr. Nitin Thakur and Mr. Udit Shaurya Kaushik, Advocates.

For the respondents: Mr. Raman Jamalta, Advocate.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present execution petition is seeking implementation of directions passed by this Court in CWP No. 10150 of 2012-E, titled, ***Manohar Lal vs. H.R.T.C. & others,*** decided on 07.05.2013. The directions sought to be executed read as under:-

> *"Mr. Adarsh Sharma, learned counsel appearing on behalf of the respondents, has placed on record copy of letter, dated 6th May,2013. The text of the letter reads as under:-*
>
> > *"It is intimated to you that the HRTC has taken up the matter with the State Govt. of H.P. regarding allowing the proficiency step up to Shri Manohar Lal Supdt. Grade-II (Rtd). On the matter the State*

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

> *Govt. has advised that HRTC may decide the matter as per guideline proficiency step up issued by the State Govt.*
>
> *Thereafter the HRTC on the direction of State Govt. has constituted the Departmental Promotion Committee for considering the case of Shri Manohar Lal in accordance with the guidelines issued by the State Govt.*"
>
> *2. In view of this, since the Departmental Promotion Committee has now been constituted for considering the case of the petitioner, the present petition is rendered infructuous. Consequently, the petition is disposed of as infructuous with a direction to the respondents that meeting of the Departmental Promotion Committee be convened within a period of four weeks from today and if the petitioner is found suitable by the Departmental Promotion Committee, he shall be entitled to all consequential benefits.*
>
> *3. The pending application(s), if any, also stand(s) disposed of. No costs."*

2. In sequel to the said directions passed by this Court, the respondents-Corporation had passed an office order on 04.03.2014, when the petitioner has been granted the benefit, as emanating from the directions given by this Court. It is worth to note that while passing the said order, the respondents-Corporation had also considered the directions given by this Court in CWP(T) No.5361 of 2008, titled, ***Manohar Lal vs. Himachal Road Transport Corporation,*** which was decided on

30.03.2010, wherein directions were given to decide the appeal and the Chairman of the respondents-Corporation had decided the appeal on 03.07.2010, and the compulsory retirement of the petitioner vide order dated 26.06.1997, was set aside with all consequential benefits, as such the recommendations were opened and the petitioner was found fit for the post of Superintendent Grade-I, but the order could not be served, since the petitioner had retired from service w.e.f. 31.12.2000.

3. Learned counsel for the petitioner vehemently argued that this Court, while disposing of the writ petition on 07.05.2013, had given specific direction that meeting of the Departmental Promotion Committee (for short "DPC"), be convened within a period of four weeks and if the petitioner is found suitable by the DPC, he shall be held entitled to all consequential benefits. The respondents-Corporation has not complied with the said direction. It is, however, to be noticed that when the writ petition was disposed of on 07.05.2013, the learned counsel for the respondents-Corporation had placed on record copy of letter dated 06.05.2013, wherein it was clearly mentioned that the matter with regard to allowing

the proficiency step up to the petitioner has been taken up with the State Government and the State Government had advised that HRTC may decide the matter as per guidelines of proficiency step up issued by the State Government. Thereafter, the HRTC on the direction of the State Government had constituted the DPC for considering the claim of the petitioner in accordance with the guidelines issued by the State Government. In view of the contents of the letter dated 06.05.2013, this Court had given directions for convening the DPC only for the purpose of granting the benefit of proficiency step up and not for the purpose of promoting him to the post of Superintendent Grade-I. It is evident from the perusal of office order dated 04.03.2014, passed by the respondents-Corporation, wherein it specifically taken note of the appeal preferred by the petitioner before the Chairman of the respondents-Corporation and also the direction passed by this Court in CWP(T) No.5361 of 2008, the reference of which has been given hereinabove.

4. The respondents-Corporation has filed reply to the execution petition, though taken plea of execution petition being hit by the principle of delay and laches, as

well as the fact that the DPC duly constituted, had opened the recommendations of the DPC after the conclusion of the departmental proceedings, which had culminated by imposition of major penalty of compulsory retirement upon the petitioner, which was set aside in appeal vide order dated 03.07.2010. However, fact of the matter is that this Court had only passed the orders keeping in view the contents of the letter dated 06.05.2013 and this Court cannot enlarge the scope in the present proceedings to construe that the order passed by the respondents-Corporation on 04.03.2014, granting promotion to the petitioner to the post of Superintendent Grade-I, w.e.f. 26.06.1997 notionally, is bad. Once the Court was not considering the said issue in the earlier proceedings, qua which the present execution petition has been preferred, this Court is of the considered view that the respondents had complied with the directions and the relief has been granted to the petitioner. If the petitioner was aggrieved by the office order dated 04.03.2014, passed by the respondents-Corporation, he could have availed the remedy at that point of time and not at this stage, that too, under the garb of the directions issued by this Court

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in the writ petition qua which the execution has been sought. The respondents-Corporation has duly complied with the directions contained in the order dated 07.05.2013, passed by this Court.

5. Consequently, I do not find any merit in the present petition and the same is dismissed. Pending miscellaneous applications, if any, also stand disposed of.

28th April, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge