# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No.8809 of 2026**
**Reserved on: 04.08.2026**
**Date of decision: 27.10.2026**
**Uploaded on: 27.10.2026**

Narinder Paul Singh Chauhan. ...Petitioner.

Versus

State of Himachal Pradesh & Ors. …Respondents.

*Coram*

***Hon'ble Mr. Justice Vivek Singh Thakur, Judge.***

***Hon'ble Mr. Justice Ranjan Sharma, Judge.***

*Whether approved for reporting?*[1] *Yes.*

| | | |
|---|---|---|
| For the petitioner | : | Mr. Onkar Jairath, Senior Advocate with Mr. Anshul Jairath and Mr. Piyush Mehta, Advocates. |
| For the respondent(s) | : | Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma and Mr. Sushant Keprate, Additional Advocates General and Mr. Raj Negi, Deputy Advocate General, for respondents No.1 to 3-State. |
| | : | Dr. Lalit Kumar Sharma, Advocate, for respondent No.4. |

***Vivek Singh Thakur, Judge***

Petitioner, being aggrieved by extension of service granted to respondent No.4, Narinder Pal Singh, as Engineer-in-Chief (in short 'ENC') in the Himachal Pradesh Public Works Department (in short 'HPPWD'), vide notification dated 28.04.2026

[1] *Whether the reporters of the local papers may be allowed to see the Judgment?* Yes

(Annexure P-6), has filed this petition for quashing and setting aside the impugned notification dated 28.04.2026 (Annexure P-6) and seeking a direction to the respondents-State/Department to convene a meeting of the Screening Committee and promote the petitioner to the post of Engineer-in-Chief from the due date, with the plea that the impugned extension of service of respondent No. 4 is bad in law, contrary to the applicable policy and procedure, arbitrary, discriminatory, unreasonable, irrational, and unsustainable in the eye of law.

2. Respondent No.1 is the State of Himachal Pradesh through its Chief Secretary, whereas the State has also been sued through Secretary (Personnel) as respondent No. 2, and respondent No. 3 Secretary (Public Works Department).

3. Respondent No. 4 is Narinder Pal Singh in whose favour extension of service has been granted, whereas petitioner is Narinder Paul Singh Chauhan.

**Plea of Petitioner.**

4. Petitioner, after completing the degree of Bachelor of Engineering (Civil) [in short 'B.E. (Civil)'], has also completed Master of Engineering (Civil) [in short 'M.E. (Civil)'].

5. Petitioner joined the Department as Junior Engineer (Civil) on his selection in pursuance to the process initiated by the Department to fill up the said post in accordance with the Recruitment and Promotion Rules (in short 'R&P Rules'), on his appointment to the said post on regular basis by joining his duties on 31.08.1992.

6. Petitioner is serving as Chief Engineer, which is a post in the feeder category for further promotion to the post of Engineer-in-Chief.

7. On his selection and appointment, the petitioner joined the Department as Assistant Engineer (Civil), Class-I (Gazetted), on regular basis, on 16.10.1996, and he has completed more than 28 years of service in gazetted rank in the Department.

8. In the year 2009, the petitioner was promoted to the post of Executive Engineer on 26.11.2009 on *ad hoc* basis on the basis of his seniority, meritorious service record, experience and eligibility. Considering his satisfactory performance with utmost sincerity, dedication, and efficiency, and on the basis of suitability, his promotion to the post of Executive Engineer was regularized.

9. Vide notification dated 01.05.2018, on the basis of seniority position, eligibility, experience, and satisfactory service

record, the petitioner was promoted to the post of Superintending Engineer.

10. In the year 2023, vide notification dated 23.01.2023, on account of seniority position in the cadre of Superintending Engineer, requisite eligibility, long experience and unblemished service record, the petitioner was promoted/appointed to the post of Chief Engineer in HPPWD on regular basis.

11. The next promotional post from the post of Chief Engineer in the Department is that of Engineer-in-Chief. It is the case of the petitioner that the said post of Engineer-in-Chief is required to be filled up strictly in accordance with applicable policy, procedure and decisions taken by the competent authority from time to time.

12. It has been submitted on behalf of the petitioner that promotion to the post of Engineer-in-Chief is made on the basis of recommendations of the Screening Committee after considering cases of all eligible officers on the basis of merit with due regard to seniority, service record, experience, and overall suitability, and the meeting of the Screening Committee is conducted on the same pattern as adopted for promotion to the post of Additional Director General of Police/Director General of Police in the Police

Department and Principal Chief Conservator of Forests etc. in the Forest Department.

13. It has been submitted on behalf of the petitioner that for selection of a suitable incumbent, in the meeting of the Screening Committee held on 02.11.2002, it was specifically decided that the fundamental principle of merit with due regard to seniority shall be the governing criteria for selection to the post of Engineer-in-Chief. Further that, it was also decided that those Chief Engineers, who possess at least 28 years of service in Gazetted rank, including five years' combined service as Superintending Engineer (Civil) and Chief Engineer (Civil) on regular and/or *ad hoc* basis, shall be eligible for consideration for promotion to the post of Engineer-in-Chief and an officer is required to possess at least 28 years of service in Gazetted rank along with five years combined service on the posts of Superintending Engineer (Civil) and Chief Engineer (Civil), whether on regular and/or ad hoc basis, for being eligible for consideration to the post of Engineer-in-Chief.

14. It has been submitted on behalf of the petitioner that the petitioner fulfils all criteria to be considered for promotion to the post of Engineer-in-Chief, including the requirement of 28 years of service in Gazetted rank, completion of requisite 5 years combined service

on the post of Superintending Engineer (Civil) and Chief Engineer (Civil), as prescribed under the applicable criteria/policy for consideration to the post of Engineer-in-Chief.

15. It is the further case of the petitioner that respondent No.4, who was serving as Engineer-in-Chief in the Department, was to retire on 30.04.2026, and to maintain continuity in the administration of the Department, the process for promotion/placement to the post of Engineer-in-Chief was initiated in or around the month of April, 2026, and during the said process, Vigilance Clearance Certificate (in short 'VCC') and other necessary service records/documents were also called for from the field offices in respect of eligible officers for consideration by the competent authority/Screening Committee.

16. It is the further case of the petitioner that he is one of the senior-most officers in the cadre and his name figures at Serial No.3 in the seniority list of Chief Engineers/Superintending Engineers, as applicable, which has not been disputed.

17. It is further case of the petitioner that the incumbent at Serial No.1 of the seniority list has already been promoted/appointed to the post of Engineer-in-Chief, whereas the officer at Serial No.2 already stands retired in the month of March, 2026 on attaining the

age of superannuation, and thereafter, the petitioner is the next senior-most eligible officer available in the Department for consideration to the said post.

18. It has been submitted on behalf of the petitioner that vide communication dated 07.04.2026, the Government itself has issued directions to all departments not to grant extension in service, re-employment, or re-engagement to retired employees/officers after attaining the age of superannuation. A copy of the communication dated 07.04.2026 has been annexed as Annexure P-5 with the petition. The said communication clearly reflects the policy decision and stand of the Government is that extension in service beyond superannuation has not to be granted in a routine manner, and only exceptional cases are to be considered strictly in accordance with law.

19. During the pendency of the process, initiated for filling up the anticipated vacancy of post of Engineer-in-Chief, respondent No.1 issued the impugned Notification dated 28.04.2026 (Annexure P-6) granting extension in service for a further period of six months to respondent No.4, whereas respondent No.4 was due to retire from service on 30.04.2026 on attaining the age of superannuation.

20. In the aforesaid circumstances, along with submissions with regard to the academic qualifications and experience etc. of the petitioner, the present petition has been preferred being aggrieved by the impugned Notification dated 28.04.2026 (Annexure P-6) granting extension of service to respondent No. 4.

21. Petitioner has placed reliance on the judgment dated 19.12.2017 passed by Division Bench of this Court in **CWPIL No.201 of 2017**, titled ***Court on its own motion versus State of Himachal Pradesh***, as well as the judgment dated 01.04.2025 passed by another Division Bench of this Court in **CWP No.231 of 2025**, titled ***Vishal Sharma versus State* of H.P.**, along with **CWP No. 475 of 2025**, titled ***Sanjeev Dhiman versus State of H.P***.

22 Information received by the petitioner from the Public Information Officer-cum-Section Officer, Department of Personnel, along with communication dated 06.07.2026, has also been placed on record, which includes the noting portion of the file dealt with in the Department of Personnel from the initial level up till Hon'ble Chief Minister of the State of Himachal Pradesh.

***Reply of the State.***

23. Reply on behalf of respondents No.1 to 3 has been filed on the affidavit of respondent No.2, Secretary (Personnel), whereas a separate reply has been filed by respondent No.4 on 04.07.2026.

24. Respondent No.2, in his affidavit, has, in preliminary submissions, stated as under:-

> "**Preliminary Submission:**
>
> **1.** That the replying respondent i.e. Department of Personnel is the cadre controlling department of the Engineers-in-Chief and Chief Engineers of Public Works Department, Himachal Pradesh. The replying respondent convenes the meeting of the Screening Committee to fill up the post of Engineer-in-Chief, HPPWD from time to time on the basis of proposal furnished by the Administrative Department (Public Works). The replying respondent had put up the file to competent authority to convene the meeting of the Screening Committee for filling up the post of Engineer-in-Chief, HPPWD, which was likely to fall vacant w.e.f. 01.05.2026, due to retirement of respondent No.4 on 30.04.2026, on attaining the age of superannuation.
>
> **2.** That, in the meantime, the Additional Principal Private Secretary-cum Special Secretary to Hon'ble Chief Minister, HP Secretariat, Shimla-2, vide U.O. letter No. APPS/2/2026, dated 28.04.2026 intimated that Hon'ble Chief Minister has approved to grant extension in service in favour of respondent No.4. for a period of six months.
>
> **3.** That Chapter-22 of the Handbook on Personnel Matters, Vol-II contains the provisions of extension/re-

employment. As per these provisions, the overriding consideration for the grant of extension of service/re-employment must be clearly in the public interest on the condition that the retiring officer is of outstanding merit.

**4.** That the aforesaid U.O. letter received from the Additional Principal Private Secretary-cum Special Secretary to Hon'ble Chief Minister, HP Secretariat, Shimla-2 was put up on file for consideration of the authority and the competent authority approved extension-in-service in favour of respondent No. 4, for a period of six months. Accordingly, the replying respondent vide notification number PER (A-I)B(3)-26/2021 dated 28.04.2026 (Annexure P-6 of the CWP) has issued extension-in-service order in respect of respondent No. 4, for a period of six months, in the public interest."

25. In reply on merits, except stating in paragraph 1 that the petitioner is not entitled to invoke the extraordinary jurisdiction of this Court in view of the preliminary submissions and referring to the provisions of Chapter 22 of the Handbook on Personnel Matters, Volume-II, the respondents have not denied the averments made in the petition. Rather, in this reply, the pleadings from paragraph 3 to paragraph 14 of the petition have been admitted, with the assertion in paragraph 1 that the petitioner cannot invoke the extraordinary jurisdiction of this Court in view of the submissions made in the preliminary submissions and the reply thereto.

26. It has been further stated in the reply that the extension of service of respondent No. 4 vide impugned notification dated 28.04.2026 (Annexure P-6) has been issued with the approval of the competent authority in public interest with further assertion that despite instructions dated 07.04.2026 (Annexure P-5), respondent No.4 has been granted such extension of service with the approval of the competent authority in public interest.

27. Learned Advocate General has also placed on record instructions dated 23.07.2026 received from Principal Secretary (Personnel) to the Government of Himachal Pradesh, stating therein as under:-

> "I am directed to refer to your letter No. CWP 8809/2026- dated 08.07.2026, on the subject cited above and to say that in order to comply with the observation /directions of the Hon'ble Court in its order dated 07.07.2026, the matter was taken up with the Administrative Department i.e. Public Works Department as the matter regarding creation /upgradation of posts of Chief Engineers/Engineers-in-Chief falls in the domain of the aforesaid department.
>
> The AD (Public Works Department), vide letter No. PBW-A-E (1)-16/2026 dated 23.07.2026 (copy enclosed), has informed that the matter was placed before the Cabinet on 20.07.2026 and the Cabinet has approved to impart instruction to Ld. Advocate General, State of HP that the Government has taken a conscious decision after due examination of facts for granting extension to the present incumbent ENC, and therefore any new promotion can only happen after the expiry of the extension period of Sh. N.P. Singh and then against the resultant vacancy and to apprise Hon'ble High Court accordingly.
>
> You are, therefore, requested to apprise the Hon'ble High Court accordingly."

***Reply of respondent No. 4***

28. Respondent No.4 has filed a separate reply, wherein he has adopted the reply filed by the respondent-State in its entirety, but with further submission that he has been granted extension of six months in service with effect from 01.05.2026 to 31.10.2026 in relaxation of Rule 56(d) of the Fundamental Rules (in short 'FR').

29. It has been further stated in reply of respondent No.4 that as propounded in judgment dated 21.11.2025 passed in **CWPIL No.26 of 2025**, titled ***Atul Sharma versus Union of India***, once the Government forms the opinion that extension is in public interest, then the correctness of such opinion cannot normally be challenged before the Courts. The Court will intervene only when such decision is arbitrary, irrational, and unconstitutional.

30. It has been stated in reply of respondent No.4 that in administrative matters, until the decision is clearly violative of some statute or is shockingly arbitrary, the Court should therefore ordinarily defer the judgment to the policy decision taken by the authority/State.

31. It has been also submitted in reply of respondent No.4 that the policy decision of the Government was absolutely correct, and referring to Clause 22.4 of Chapter 22 of the Handbook on Personnel Matters, the deadline age is of 62 years. Further that for

considering public interest, the overriding consideration for granting extension should be clearly visible, and in addition, one of the two conditions is also required to be satisfied, which are as under:-

(i) That the officers are not ripe enough to take over the job; or

(ii) That the retiring officer is of outstanding merit.

32. The State has not placed on record any document to substantiate the exceptional circumstances warranting continuation or re-employment of respondent No.4. However, by making various submissions as well as referring to Chapter 22 of the Handbook on Personnel Matters, respondent No.4 has placed on record details of certain works in Annexure R-4/2 filed with the reply, to demonstrate that there are certain projects which require supervision in continuity, and therefore there was an inevitable public interest to continue respondent No.4 on the post of Engineer-in-Chief.

33. Respondent No.4 has also placed on record communication dated 22.04.2026, whereby it has been communicated that it had been decided by the Government that extension of service, re-employment, or re-engagement of retired government servants shall henceforth be considered only in rare and exceptional circumstances in the larger public interest.

**Submissions of learned Advocate General**

34. Learned Advocate General has submitted that the process was initiated, wherein petitioner was considered, but the process was halted because no vacancy was available on account of re-employment of respondent No.4, and the process was deferred. Further that petitioner has a right to be considered, but no fundamental right for promotion.

35. Learned Advocate General has further submitted that the conditions in Chapter 22 of the Handbook on Personnel Matters are directory, but not mandatory, and the retiring officer is of outstanding merit, and therefore, he has been given extension of service after bringing all facts to the notice of the competent authority, and therefore, the process is legal. He has further submitted that therefore the decision-making process can be under challenge, but not the decision. Referring to the documents placed on record by the petitioner received under the Right to Information Act (in short 'RTI Act'), he has stated that after N-50, all facts were brought to the notice of the competent authority and everything was placed before the competent authority, as evident from N-61 to N-64. According to him, after considering the aforesaid all facts, as recorded in N-70, approval was granted for extension of service for

six months by competent authority to which petitioner has no right to assail.

36. It has been submitted by the learned Advocate General that until vacancy is available, no right can be claimed by the petitioner for promotion, and presently the vacancy is occupied by respondent No.4. Referring to CWPIL No.26 of 2025, titled *Atul Sharma versus Union of India*, it has been submitted by the learned Advocate General that the petition deserves to be dismissed.

37. It has been submitted by learned Advocate General that it is the duty of the officers to place everything before the competent authority, and thereafter the decision is to be taken by the competent authority, and such decision is not to be replaced by the Court by its own opinion. He has also referred to the pronouncements of the Apex Court reported in **Dr. Jaya Thakur vs. Union of India & Ors**, reported in ***(2023) 10 SCC 276*** and ***Common Cause (a Registered Society) vs. Union of India & Ors.***, reported in ***(2023) 10 SCC 321***.

38. Learned Advocate General has also referred to the Rules of Business with the submission that the Chief Minister is the competent authority to take a decision.

**Submissions of Respondent No.4**

39. Learned counsel for respondent No.4 has submitted that the extension is in relaxation of Rule 56 of the Fundamental Rules, fulfilling the two tests of public interest as well as that no suitable successor is available. It has been submitted that the post of Engineer-in-Chief is a technical post, and therefore, to complete the ensuing projects, continuation of the supervision by the same incumbent serving as Engineer-in-Chief was necessary and in public interest, and therefore, no fault can be found in the extension of service of respondent No.4. He has also referred to details of the projects placed on record in document Annexure R-4/2.

40. Learned counsel for respondent No.4 has submitted that provisions of Chapter 22 of the Handbook on Personnel Matters are to be construed harmoniously to enable the State to grant extension to the deserving incumbents. It has been submitted that the post of Engineer-in-Chief is a very sensitive post, and therefore, the competent authority has rightly, in the given circumstances, extended the service of respondent No.4. Disputing the locus of the petitioner to file the petition, judgment of the Apex Court in **Ajay Kumar Shukla & Ors. vs. Arvind Rai & Ors.** reported in ***(2022) 12***

***SCC 579*** has also been referred by learned counsel for respondent No. 4.

**Rebuttal by petitioner**

41. In rebuttal, learned counsel for the petitioner has submitted that it is apparent from the record that the petitioner is more qualified than respondent No.4, and referring to paragraph 69 of the judgment in ***Atul Sharma's*** case, he has submitted that the observations in paragraph 69 substantiate the claim of the petitioner.

42. It has been further submitted that as per the prescribed procedure, the file was to be moved from the bottom to top, canvassing the requirement of extension of service of respondent No.4, but in the present case, everything was complete by the Selection Committee for selection and appointment of the petitioner as Engineer-in-Chief, and the process for extension of service was never initiated from the bottom, but the mandate was received from the top and the file was moved from top to the bottom in reverse order, giving extension of service to respondent No.4, whereas as per paragraph 22.3 contained in Chapter 22 of the Handbook on Personnel Matters, after attaining the age of retirement, the extension should be given only in exceptional circumstances for extraordinary reasons.

43. It has been further submitted that relaxation in FR 56 cannot be given arbitrarily, but has to be on the basis of really exceptional circumstances. It has been submitted that the petitioner is M.Tech, whereas respondent No.4 is B.Tech, and he is a more suitable candidate than respondent No.4, and from the noting portion and the reply of respondent-State filed on the affidavit of Secretary (Personnel), it is apparent that the petitioner was available as the most suitable candidate for promotion to the post of Engineer-in-Chief, and thus, none of the essential requirements warranting extension of service of respondent No.4 was in existence.

44. To substantiate his plea, he has referred to the pronouncements of the Apex Court reported in ***Ajay Kumar Shukla and others vs. Arvind Rai and others*** along with connected matters reported in ***(2022) 12 SCC 579*** and ***Dr.Jaya Thakur vs. Union of India and others*** reported in ***(2023) 10 SCC 276***.

**Consideration, Analysis and Conclusion**

45. For adjudication of the issue involved in the present matter, it would be relevant to refer to the provisions of **Extension and Re-employment** provided in **Chapter 22 of the Handbook on Personnel Matters, Volume-II, Edition 2021**, which reads as under:-

**“Chapter 22**

**EXTENSION AND RE-EMPLOYMENT**

**22.1 Superannuation**

Superannuation is retirement from the service on attainment of specific age. The competent authority (Central or State govt.) decides on the age limit for different posts. F.R. 56 contains detailed provisions about the specific age of superannuation.

**22.2 Distinction between Extension and Re-employment**

The term "extension" is quite different from the term/ expression "re-employment".

- **Extension in service** - The extension in service is continuance in service and the officer/official does not superannuate or retires on reaching the date of superannuation.
  Further, the period of extension in service counts for qualifying service for the purpose of pension, gratuity and other retirement benefits, besides entitling the incumbent to full pay and allowances and increments etc. In addition, the concerned officer/officials in whose favour extension in service is granted remains a member of service if he/she was so appointed and will be bound by the specific rules governing the service.
- **Re-employment** - The employment after actual superannuation or retirement is called "re-employment". The re-employment may be from the date following the date of superannuation or after some period.

A re-employed officer/official gets pension and his/her pay is fixed under special orders. A re-employed officer/official is governed by the general rules governing service conditions of a Government employee and such other rules as may be specified in the terms of re-employment. The period of re-employment doesn't qualify as service for pension and other benefits, in so far as his/her service from which he/she had superannuated is concerned. However, the eligibility of a re-employed persons to a second pension based on the basis of re-employment will depend on the terms of the re-employment.

**22.3 Extension or re-employment only in really exceptional circumstances**

The age of retirement of different categories of Government employees has been laid down in the Fundamental Rules, 56. On attaining the age indicated in the above rules, retirement is automatic and in the absence of specific orders to the contrary by the competent authority a

government employee must retire on the due date. The date of superannuation of a government employee is known in advance and ordinarily there should not be the question of failure to make arrangements for his/her release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the government employees under their control so retire. It would be appreciated that in each case of extension or re-employment, it is not only the next man who misses promotion but often several people miss consequential promotions all along the hierarchical strata. Thus, one person getting re-employment/extension means deferment of promotion for six or seven persons. Too many cases of extension in service or reemployment are apt to cause frustration and affect the morale of the staff in general. Keeping in view these circumstances the following criteria and procedure have been evolved with a view to ensure that extension/re-employments of superannuated officers are resorted to only in really exceptional circumstances.

**22.4 CRITERIA FOR EXTENSION/RE-EMPLOYMENT**

With regard to the grant of extension/re-employment, the following instructions have been issued:

(1) No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered.

(2) Extension in service/re-employment can be justified only in very rare and exceptional circumstances. Even in such cases, 60 years of age should be the deadline for non-scientific/technical posts and 62 years in the case of scientific/technical personnel. This should not be construed to mean that extensions of service/re-employment can be granted to non-scientific 'non-technical personnel' upto the age of 60 years and to scientific/technical personnel upto the age of 62 years more or less as a matter of course. The over-riding consideration for the grant of extension of service/re-employment is that it must be clearly in the public interest and in addition satisfy one of the following two conditions:-

(i) that other officers are not ripe enough to take over the job; or

(ii) that the retiring officer is of outstanding merit.

Test (i) would be satisfied only if there is shortage in particular specialisation or if it is not possible to find a suitable successor or if the officer is engaged on a work or project of vital importance which is likely to produce results in a year or two. If officers in the next lower post are not eligible for promotion on the ground that they have not put in the minimum

service in the lower grade prescribed under the rules, no promotions can be made to the higher grade, unless such officers put in the requisite length of service. But officers who are eligible for promotion to the post, against which extension/re-employment is recommended, should not be rejected solely on the ground that they do not have as much experience as the retiring officer. They should be considered for promotion according to the recruitment rules and if they are found suitable they should be promoted to the posts being vacated by the retiring officers.

Test (ii) would not be satisfied by the mere fact that the specialist (e.g. a scientific or technical officer) is fit in all respects or is otherwise able to discharge effectively the duties of the post held by him.

(1) No extension of service/re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalised in time for justifiable reasons.

(2) A proposal for the grant of extension of service/re-employment based merely on the consideration that the officer's predecessor had been given extension/re-employment should obviously not be accepted.

(3) In the case of honorary appointment in Public Sector Undertakings e.g. appointments on the Board of Directors of Public Sector Undertakings the limit may be 65 years provided the appointment is really honorary and does not carry any substantial remuneration.

(Ministry of Home Affairs O.M No. 26/11/68-Ests (B) dated 17-06-1969)

**22.4.1 Grant of extension in service/re-employment - Hon'ble High Court of H.P decision dated 08-02-2018**

On the basis of letter petition highlighting the practice of the Government giving re-employment/extension to such of those employees, who stand superannuated/retired, addressed to the Court, Hon'ble High Court of Himachal Pradesh taking suo motu cognizance registered the petition (CWPIL No. 201 of 2017 Court on its own motion Versus State of H.P. & another) on December 17, 2017 passed the following orders:-

6. The State is bound by the affidavit and as such, petition is disposed of with a direction that henceforth no employee shall be given extension or be re-employed beyond the age of superannuation /retirement save and except, in accordance with the Chapter-22 of the Hand Book on Personnel Matters

Vol-II (2nd Edition) and the provisions of Fundamental Rules 56(d). Letter and spirit of the criteria prescribed and the Rules framed be strictly followed."

The State Government in the Department of Personnel reiterated that the extension/re-employment beyond the age of retirement/superannuation has to be allowed in very rare and exceptional circumstances and strictly in accordance with provisions provided under Chapter-22 of the Hand Book on Personnel Matters Vol-II (2nd edition) and the provisions of FR 56 (d). Extension in service/re-employment given if any, in government service without observance of the above prescribed provisions of rules will be construed as contempt of the Court and the concerned Administrative Department shall solely be responsible for such violation.

(H.P. Govt. Department of Personnel letter No. Per(AP.B)B(2)-56/2017 dated 08-02-2018 Annexure 22.2)

**22.5 No Extension in service on compassionate grounds to be allowed**

Of late it has been observed that cases are being referred for granting extension in service on compassionate grounds to enable the individual to discharge family obligations etc. This is against the very principle of retirement and retention in service of a Govt. servant who has attained the age of superannuation is not justified and the Finance Department do not agree to such requests.

(H.P. Govt. Finance Department O.M No. Fin(C)B(15)-4/79 dated 2-2-1983)

**22.6 Procedure for processing cases of extension in service/re-employment**

(i) A systematic review of the officers approaching the age of superannuation should be conducted well in advance so that whenever necessary suitable persons are selected in time to replace such officers and given training before hand thereby minimizing the number of proposals for extension/re-employment.

(ii) Proposals for grant of extension of service to the officers working in posts outside the cadre to which they permanently belong should have specific concurrence of the cadre authority.

(iii) Whenever any officer is considered for grant of extension or reemployment, his character roll and personal file should be carefully scrutinised and all other relevant information that may be available should be taken into account to judge whether the officer had good reputation for integrity and honesty. In cases where the

officer is not considered to have good reputation for integrity and honesty, he should not be considered eligible for grant of extension/re-employment in service. The appropriate authority in the Administrative Ministry should furnish a certificate of Integrity along with the Annexure II as follows where it proposes to grant extension of service/re-employment:-

"Having scrutinised the character roll and personal file of Shri/Smt./Kum. and having taken into account all other relevant available information, I certify that he/she has a good reputation for integrity and honesty."

(iv) The following proforma may be utilised by the Administrative Department/Departments while considering the cases of extension in service/re-employment of any officer or member of the staff.

Proforma

Proforma for sending proposals for approval of Government for grant of extension/re-employment to Government employees beyond the age of superannuation.

| | | | |
|---|---|---|---|
| 1. | | Designation of Post. | |
| 2 | | Duration of the post: | |
| 3. | | Scale and terms of the post and perquisite attached, if any: | |
| 4. | | Whether financial sanction for the creation of post/continuance of post for the duration shown at (2) has been obtained: | |
| 5. | | Method of recruitment: | |
| 6. | | Name and the terminal date of appointment of the outgoing incumbent of the post: | |
| 7. | | Name of the officer proposed for appointment and the service to which he belongs: | |
| 8. | | Full service particulars of the officer with date of birth and pay drawn: | |
| 9. | | Names of other officers considered: | |
| 10. | | If promotion post, whether copies of proceedings of a D.P.C are being enclosed? If not, why not? | |
| 11. | | Whether character roll of the officers proposed and those considered are being sent. If not, why not? | |
| 12 | (i) | If the proposal involves extension/re-employment, please indicate: | |

| | | | |
|---|---|---|---|
| 13 | | (a) Whether the post is scientific/ technical or non-scientific/non-technical: | |
| | | (b) Whether the officer is to be granted extension of service or re-employment: | |
| | | c) Periods of extension/re-employment granted earlier to the officers, if any: | |
| | | d) Date from which extension/re-employment is to be granted. | |
| | | e) Period of extension of service/re-employment: | |
| | (ii) | Justification for grant of extension/re-employment if the post is scientific/technical: | |
| | (iii) | Justification for grant of extension/re-employment if the post is non-technical/non-scientific: | |
| | (iv) | The date from which it was known that vacancy would occur: | |
| | | Action taken to select a successor with chronological details: | |
| | | If selection is being made, reasons why this could not be finalized in good time. | |
| | | If proposal involves extension/re-employment can some officiating or ad-hoc arrangements be made, pending fresh appointment by proper selection? If not, why not? | |
| | | Whether orders of the Minister-in-charge have been obtained? | |
| 13 | | Whether the prescribed Integrity certificate, from the appropriate authority, is enclosed.” | |

**Details placed on record regarding process undertaken for filling-up/extension to the post of Engineer-in-Chief (ENC)**

46. It would be also relevant to refer to the record of the files related to the issue involved in the present case, has also been placed on record by the petitioner after receiving the same under the RTI Act, which is being referred hereinafter.

"हिमाचल प्रदेश सरकार

**-308-** It is submitted that there are 2 (two) posts of Engineer-in-Chief in the HPPWD and the incumbency position is as under:-

1. **Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, Shimla.**
2. **Er. Surinder Paul, Engineer-in-Chief (Projects), HPPWD, Shimla.**

**-309-** The post of Engineer-in-Chief, HPPWD, Shimla shall fall vacant w.e.f. 01.05.2026 due to retirement of present incumbent Er. Narinder Pal Singh on 30.04.2026. Accordingly this post is required to be filled up from eligible Chief Engineers, HPPWD and the meeting of DPC is required to be convene well in time. Hence, if approved, may request the AD (PWD) to furnish the proposal to convene the meeting as per DFA please.

Submitted please.
**Sect.**
03/03/2026

**Supdt. (A-I)** Sd/- 03/03/2026

**S.O. (DOP-I)**

**Spl. Secy. (Pers)**
Sd/- 05/03/2026

**SS (Pers.) 116**
05.03.2026

**Worthy Secy (Pers)**
Sd/- 07/03/2026

**Spl Secy (Pers)**
Sd/- 07/03/2026

**S.O. (DOP-I)**
Sd/- 09/07/2026
Sd/- Sh. Deep

**Dy. No. 3380221/A-I/April, 2026**

**-310-** **P/221-226:** In response to this department's letter dated 07.03.2026 (P/220), the AD (Public Works) has furnished

the proposal to fill up the post of Engineer-in-Chief, HPPWD which is likely to fall vacant w.e.f. 01.05.2026 due to retirement of Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, Shimla on 30.04.2026 upon attaining the age of superannuation.

**-311-** In this regard it is submitted that there are two posts of Engineers-in-Chief in the Himachal Pradesh Public Works Department out of which one post will be available to be filled up by promotion from amongst the Chief Engineers, HPPWD, w.e.f. 01.05.2026 due to retirement of Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, Shimla on 30.04.2026 upon attaining the age of superannuation.

**-312-** The post of Engineer-in-Chief is to be filled up by conducting the Screening Committee Meeting on the pattern of promotion to the posts of ADGP/DGP & Pr.CCF etc. In the meeting of Screening Committee held on 02.11.2002, it was decided that fundamental principle of merit with due regard to seniority should be taken as principle parameters for selection to the post and it was also decided in the said meeting that the Chief Engineers, who possess at least 28 years of service in the Gazetted rank including 5 (five) years' service as Chief Engineer (Civil) and Superintending Engineer (Civil) combined on regular and/or adhoc basis should be considered.

**-313-** The AD has intimated the particulars of the following Chief Engineers to be considered for promotion to the post of Engineer-in-Chief:

| **S. No.** | **Name of CE (Civil), Sh./Er. & D.O.B.** | **Present Posting** | **Date of appointment as AE** | **Date of promotion as SE** | **Date of promotion as CE** |
|---|---|---|---|---|---|
| 1. | Suresh Kapoor<br><br>23.03.1968 | Chief Engineer, South Zone, HPPWD, Shimla | 18.10.1996 | 06.01.2018 | 23.01.2023 |
| 2. | Narinder Paul Singh Chauhan<br><br>18.05.1969 | Chief Engineer, Mandi Zone, HPPWD, Mandi | 18.10.1996 | 01.05.2018 | 23.01.2023 |
| 3. | Vikas Sood<br><br>08.03.1970 | Chief Engineer, Kangra Zone, HPPWD, | 18.10.1996 | 15.10.2018 | 20.08.2023 |

| | | | | | |
|---|---|---|---|---|---|
| | | Kangra | | | |
| 4. | Anita Vaidya<br><br>04.04.1970 | Chief Engineer (PMGSY), HPPWD, Shimla | 18.10.1996 | 05.02.2019 | 18.11.2023 |
| 5. | Ajay Kapoor<br><br>04.10.1970 | Chief Engineer (NH), HPPWD, Shimla | 18.10.1996 | 05.02.2019 | 07.12.2024 |

**-314-** The officer mentioned at Sr. No. 1 has retired from the Govt. Service on 31.03.2026, on attaining the age of superannuation.

**-315-** **The officers mentioned at Sr. No. 2 to 5 have completed the prescribed 28 years' service in the gazetted rank including 5 years' service as Chief Engineer and Superintending Engineer combined. Hence, they are required to be considered for promotion to the post of Engineer-in-Chief, HPPWD.**

**-316-** After going through the ACRs/APARs dossiers of the eligible Chief Engineers, supplied by the DoP (Confidential Cell), it is observed that the APARs of Er. Narinder Pal Singh Chauhan for the period 2023-24 and 2024-25, Er. Vikas Sood for the period 2023-24 and 2024-25, Er. Anita Vaidya for the period 2023-24 and 2024-25 and Er. Ajay Kapoor for the period 2022-23, 2023-24 and 2024-25 are not available. The ACR's/APAR's dossiers of the eligible officers are placed below for perusal.

**-317-** The AD has intimated that the aforesaid officers have passed the departmental examination and have also submitted their assets and liabilities returns for the year 2025. The AD has also furnished the VCC in respect of the officers as issued by the Vigilance Department vide letter No. Home (Vig.) A (8)-18/2025-VCC-PWD dated 19.03.2026.

**-318-** The constitution of the Screening Committee is as under: -

1. Chief Secretary — Chairman
2. Addl. Chief Secretary — Member

3. Pr. Secretary (Public Works) Member
4. Secretary (Personnel) Member

**-319-** The draft memorandum has been prepared accordingly which is submitted for kind perusal/approval please.

**Sect.**
*Sd/- 6.4.2026*

**Supdt. (A-I)** — *Sd/- 06/04/2026*

**SO (DOP-I)**

**N/319 ante:** The Chief Secretary may nominate the 1st Member of the Screening Committee and indicate convenient date & time to chair the meeting of the Screening Committee to consider promotion to the post of E-in-C, PWD.

**-320-**

*Sd/- 07/04/2026*

**Spl. Secy. (Pers.)**
Submitted please. *Sd/-08.04.2026*

**Worthy Secretary (Pers.)** *Sd/-08.04.2026*

**Worthy Chief Secretary**
**-321-** 09-04-2026, 11:30 AM.
*Sd/-08.04.2026*

**Secy (Pers.)**

**SS (Pers.)**
*Sd/-08.04.2026*

**S.O. (DOP-I)**
Sd/- 09.04.2026
Sd/- Sh. Deep"

47. In sequel to the aforesaid process, Special Secretary (Personnel) to the Government of Himachal Pradesh had also prepared a Memorandum for consideration of the Screening

Committee to consider promotion/placement to the post of Engineer-in-Chief, Himachal Pradesh Public Works Department, which is as under:-

**"MEMORANDUM FOR CONSIDERATION OF SCREENING COMMITTEE TO CONSIDER PROMOTION/PLACEMENT TO THE POST OF ENGINEER-IN-CHIEF HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT IN THE LEVEL 31 OF THE PAY MATRIX (₹1,48,800-₹2,18,600) PLUS SPECIAL ALLOWANCE ₹10,000/-.**

There are two posts of Engineers-in-Chief in the Himachal Pradesh Public Works Department out of which one post will fall vacant w.e.f. 01.05.2026 due to retirement of Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, Shimla on 30.04.2026 upon attaining the age of superannuation.

The post of Engineer-in-Chief was previously filled up by conducting the Screening Committee Meeting on the pattern of promotion to the posts of ADGP/DGP & Pr.CCF etc. In the meeting of Screening Committee held on 02.11.2002, it was decided that fundamental principle of merit with due regard to seniority should be taken as principle parameters for selection to the post and it was also decided in the said meeting that the Chief Engineers, who possess at least 28 years of service in the Gazetted rank including 5 (five) years' service as Chief Engineer (Civil) and Superintending Engineer (Civil) combined on regular and/or adhoc basis should be considered.

The AD (PWD) has furnished the particulars of the following Chief Engineers to be considered for promotion to the post of Engineer-in-Chief: -

| S. No. | Name of CE (Civil), Sh./Er. & D.O.B. | Present Posting | Date of appointment as AE | Date of promotion as SE | Date of promotion as CE |
|---|---|---|---|---|---|
| 1. | Narinder Paul Singh Chauhan<br><br>18.05.1969 | Chief Engineer, Mandi Zone, HPPWD, Mandi | 18.10.1996 | 01.05.2018 | 23.01.2023 |
| 2. | Vikas Sood<br><br>08.03.1970 | Chief Engineer, Kangra Zone, HPPWD, Kangra | 18.10.1996 | 15.10.2018 | 20.08.2023 |
| 3. | Anita Vaidya | Chief | 18.10.1996 | 05.02.2019 | 18.11.2023 |

| | | | | | |
|---|---|---|---|---|---|
| | 04.04.1970 | Engineer (PMGSY), HPPWD, Shimla | | | |
| 4. | Ajay Kapoor<br><br>04.10.1970 | Chief Engineer (NH), HPPWD, Shimla | 18.10.1996 | 05.02.2019 | 07.12.2024 |

**All the incumbents have completed the prescribed 28 years' service in the gazetted rank including 5 years' service as Chief Engineer and Superintending Engineer combined. Hence, they are eligible to be considered for promotion to the post of Engineer-in-Chief, HPPWD.**

As per the guiding principles/instructions issued by the Department of Personnel on 27.02.2016, the post is required to be filled up by 'Selection' on the basis of pre-determined benchmark as per evaluation/assessment of ACRs/APARs, which is 'Very Good' for posts carrying a Grade Pay of ₹7600/- (pre-revised) and above and for 1 post, 5 eligible officers are to be considered for promotion. However, there are only 4 eligible officers to be considered for promotion. Further, as per DoP's guidelines issued on 21.06.2016, in case of an officer to be considered for promotion to the 'Selection' posts carrying grade pay of ₹7600/- (pre-revised) and above, the prescribed benchmark of 'Very Good' is to be invariably met in all APARs of five years under consideration.

The AD (PW) has certified the integrity of the aforesaid officers. The Vigilance Department, vide its letter No. Home (Vig.) A (8)-18/2025-VCC-PWD dated 19.03.2026, has issued Vigilance Clearance Certificate in favour of the officers. The AD has also furnished the certificate to the effect that the officers have submitted their assets and liabilities returns for the year 2025.

After going through the ACRs/APARs dossiers of the eligible Chief Engineers, supplied by the DoP (Confidential Cell), it is observed that the APARs of Er. Narinder Paul Singh Chauhan for the period 2023-24 and 2024-25, Er. Vikas Sood for the period 2023-24 and 2024-25, Er. Anita Vaidya for the period 2023-24 and 2024-25 and Er. Ajay Kapoor for the period 2022-23, 2023-24 and 2024-25 are not available. Hence, the APARs of previous years have can be considered in place of missing APARs.

However, the ACR's/APAR's dossiers of the eligible officers are enclosed for perusal of the Screening Committee.

The constitution of the Screening Committee is as

under: -

| | | |
|---|---|---|
| 1. | Chief Secretary | Chairman |
| 2. | Addl. Chief Secretary | Member |
| 3. | Pr. Secretary (Public Works) | Member |
| 4. | Secretary (Personnel) | Member |

The matter is submitted before the Screening Committee for consideration and making suitable recommendations.

**(Rajiv Kumar)**
**Place: Shimla** **Special Secretary (Personnel) to the**
**Dated: 8 April, 2026.** **Government of Himachal Pradesh**"

48. With the aforesaid Memorandum, the matter was to be placed before the Screening Committee on 09.04.2026 at 11:30 AM as directed by the Chief Secretary vide N-321 dated 08.04.2026. However, on that day, Secretary (Personnel) was on tour, and therefore, file was submitted to the Chief Secretary vide N-322, which was dealt as under:-

**"From overleaf:**

**-322-** **N/321 ante:** As confirmed from the personal staff, Secretary (Personnel) is on tour. Accordingly file is submitted before Worthy Chief Secretary to indicate the suitable date to convene the meeting of DPC to consider promotion to the post of Engineer-in-Chief, HPPWD.

**-323-** Submitted please.

*Sd/-*
*9.4.2026*

**Supdt (A-I)** — *Sd/- 09.04.2026*

**S.O. (DOP-I)** — *Sd/- 09/04/26*

**Spl. Secy (Pers)** — *Sd/- 9/4/26*

**Worthy Secy (Pers.)** *Sd/- 20/04/2026*

**Worthy Chief Secretary**

*Pl. spk* *Sd/- 22.04.2026*

**-324-**

**Secy (Pers)** Sd/- 15/05/2026

**SS (Pers)** —*Sd/- 15/5/26*"

49. After the aforesaid observation "Please speak" made by the Chief Secretary on 22.04.2026, there is complete silence till 15.05.2026. In the meanwhile, a parallel separate file was moved on the basis of a note received from the Additional Principal Private Secretary-cum-Special Secretary to the Chief Minister, whereby approval of the Hon'ble Chief Minister for granting extension in service for a period of six months in favour of Narinder Pal Singh, Engineer-in-Chief, HPPWD was communicated. The movement of the said file placed on record is as under:-

**-58-** **P/76:** A note has been received from the Additional Principal Private Secretary-cum-Special Secretary to Chief Minister, HP whereby the Hon'ble Chief Minister has approved to grant **extension in service for a period of six months in favour of Sh. Narinder Pal Singh**, Engineer-in-Chief, HPPWD.

**-59-** In this regard it is submitted that Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, Shimla, is going to retire on 30.04.2026, upon attaining the age of superannuation. The proposal for extension/re-employment beyond the age of

retirement has to be considered in accordance with the provisions mentioned in Chapter 22 of the Hand Book of Personnel Matters, Volume-II and in accordance with the provisions of FR 56(d).

**-60-** Point 1 and 2 of Para 22.4 of Chapter 22 of Handbook on Personnel Matters, Volume-II provides as under: -

> "(1) No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered.
>
> (2)..... The overriding consideration for the grant of extension of service/re-employment is that it must be clearly in the public interest and in addition satisfy on the following two conditions: -
>
> (i) That other officers are not ripe enough to take over the job; or
>
> (ii) That the retiring officer is of outstanding merit.
>
> Test (i) would be satisfied only if there is shortage in a particular specialisation, or if it is not possible to find a suitable successor or if the officer is engaged on a work or project of vital importance which is likely to produce results in a year or two. If officers in the next lower post are not eligible for promotion on the ground that they have not put in the minimum service in the lower grade prescribed under the rules, no promotions can be made to the higher grade, unless such officers put in the requisite length of service. But officers who are eligible for promotion to the post against which extension/re-employment is recommended should not be rejected solely on the ground that they do not have as much experience as the retiring officer. They should be considered for promotion according to the recruitment rules and if they are found suitable, they should be promoted to the post being vacated by the retiring officer."
>
> The provisions of the FR 56 (d) provide as under:

-

"(d) No Government servant shall be granted extension in service beyond the age of retirement of 58 years:

Provided that a Government servant dealing with budget work or working as a full time member of a committee which is to be wound up within a short period of time may be granted extension of service for a period not exceeding three months in public interest..."

**-61-** As per provisions mentioned above, the extension in service can be considered if officers in the next lower post are not eligible for promotion on the ground that they have not put in the minimum service in the lower grade prescribed under the rules. In the present case, the Chief Engineers, HPPWD are eligible to be considered for promotion to the post of Engineer-in-Chief, HPPWD and the proposal for convening meeting of Screening Committee for filling up the post of Engineer-in-Chief, HPPWD, due to retirement of the aforesaid officer, has already been submitted to the authority.

**-62-** It is also pertinent to mention here that the DPC for filling up the post of Chief Engineer, HPPWD was convened on 26.02.2026 and the DPC has already recommended Er. Vijay Kumar Chaudhary, Superintending Engineer, HPPWD to the post of Chief Engineer, HPPWD on or after 01.05.2026, against the said anticipated vacancy due to promotion of one Chief Engineer to the post of Engineer-in-Chief.

**-63-** In case the extension in service is granted to the aforesaid officer, the officers in the feeder category will be deprived of the promotion, which will cause unnecessary litigation, as also evident from the past precedent.

**-64-** Further, the Department of Personnel (A-II) has also issued instructions regarding grant of extension in service/re-employment to the officers/officials after superannuation vide letter dated 8th February, 2018, which provide as under: -

"The Hon'ble High Court of Himachal Pradesh in

CWPIL No. 201 of 2017 titled Court in its own motion versus State of H.P. & another has passed the following order on 19.12.2017, after taking on record the reply affidavit so filed by the State, as under:

> 6. The State is bound by the affidavit and as such, petition is disposed of with a direction henceforth no employee shall be given extension or be re-employed beyond the age of superannuation/retirement save and except, in accordance with the Chapter-22 of the Handbook on Personnel Matters, Volume-II (2nd Edition) and the provisions of the Fundamental Rules, 56(d). Letter and spirit of the criteria prescribed and the rules framed be strictly followed.
>
> 2. It is, therefore, reiterated that the extension in service/re-employment beyond the age of retirement/superannuation has to be allowed in very rare and exceptional circumstances and strictly in accordance with provisions provided under Chapter-22 of the Handbook on Personnel Matters, Volume-II (2nd Edition) and the provisions of FR 56 (d)"

**-65-** The Department of Personnel has recently issued instructions on 18.03.2026 (Flag-A), with regard to grant of extension/re-employment of Government servants, whereby all the Administrative Departments have been directed to review the cases of officers/officials who have been granted extension-in-service and re-employment and have been directed to cancel the extension-in-service and re-employment where the officer/official is found to be of doubtful integrity. It has also been desired that in future, extension, re-employment and other appointment shall not be granted to officers/officials whose integrity is doubtful. Hence, in the present case, the integrity certificate from the AD is also required.

**-66-** ***Further the Department of Personnel has issued instructions on 7th April, 2026 (Flag-B), which***

***provide that "henceforth no proposal seeking extension in service, re-employment and re-engagement of any officer/official shall be submitted by the Administrative Departments and such proposal, if any, shall not be entertained at any level and all departments are advised to ensure strict compliance with these directions. However, officers/officials who are presently on extension, re-employment or re-engagement will be deemed to have retired upon completion of their tenure."***

**-67-** Keeping in view the above, file is submitted please.

*Sd/- 28.04.2026*
**Supdt (A-I)** — *Sd/- 28.04.2026*

**S.O. (DoP-I)** — *Sd/- 28.04.2026*

**Spl. Secy. (Pers.)** — *Sd/- 28.04.2026*

**Worthy Secy. (Pers.)**
**-68-** Submitted for consideration and further order pls.

**Worthy Chief Secretary** —*Sd/- 28/4*
**-69-** Submitted for orders of Hon'ble CM.
Sd/- 28/04/2026

**Hon'ble CM.**
**-70-** Approved for six months
*Sd/- 28/4/26*
**CS** — *Sd/- 28/04/26*

**Secy (Personnel)** — *Sd/- 28/4/26*

**SS (Pers)** — *Sd/- 28/4/26*

**S.O. (DoP-I)** — *Sd/- 28/04/26*

**-71-** **N/70 ante:** Accordingly DFA please.

*Sd/- 28.4.2026*

**Supdt (A-I)** — *Sd/- 28.04.2026*

**S.O. (DoP-I)** — *Sd/- 28.04.2026*

**Spl. Secy. (Pers.)** — *Sd/- 28/04/2026*

**Worthy Secy. (Pers.)** — *Sd/- 28/4/26*

**SS (Pers)** — *Sd/- 28/4/26"*

50. After the aforesaid Notification dated 28.04.2026 granting extension to respondent No.4, the file deferred with the note of the Chief Secretary "Please speak" was moved by the Special Secretary (Personnel) on 15.05.2026 and was closed, as evident from the following information placed on record:-

**-324-**

**Secy (Pers)** Sd/- 15/05/2026

**SS (Pers)** —*Sd/- 15/5/26*

**SO(DOP-1)**
**Sd/-**
**15/5/2026**

**//Sh.Deep//**

**From overleaf:**
**-325- N/323-324 ante:** Er. Narinder Pal Singh, Engineer-in-Chief, HPPWD, has been granted extension in service for a period of 6 months vide this department's notification dated 28.04.2026 (F/A). Hence, there is no vacancy of the post of Engineer-in-Chief, HPPWD currently available with this department. May kindly allow to file the matter.
*Sd/- /16.05.2026*

**SO (A-I)**

**N/325 ante:** In view of the above, may close the matter till the vacancy is available on the said level/grade.
*Sd/- 16/05/2026*

**Spl. Secy. (Pers.)** – *Sd/- 16.05.2026*

**Worthy Secy. (Pers.)** – *Sd/- 16.05.2026*

**Worthy Chief Secy.** – *Sd/- 18.05.2026*

**Secy (Pers.)** – *Sd/- 18.05.2026*

**SS (Pers.)** – *Sd/- 18/05/2026*

**S.O.(A-I)**"

**CWPIL No.201 of 2017** titled ***Court on its own motion versus State of H.P. and Another***,

51. A Division Bench of this High Court, after taking into consideration the criteria for grant of extension/re-employment provided under Clause 22.4 of above-referred Chapter 22 as well as the affidavit filed on behalf of the respondent-State, in **CWPIL No.201 of 2017** titled ***Court on its own motion versus State of H.P. and Another***, decided on 19.12.2017 (Annexure P-7), has held as under:-

> 4. From the response, on record, so filed by the State, factum of the contents of the complaint have turned out to be correct. However the State, from the affidavit dated 04.12.2017 of the Deputy Secretary (Personnel) to the Government of Himachal Pradesh, has explained that appointment beyond the age of superannuation is given in terms of notification dated 24.03.2015. Also re-employment/extension is regulated, in terms of Chapter-22 of the Hand Book on Personnel Matters Vol-II (2nd Edition) and the provisions of Fundamental Rules 56(d).
>
> 5. Perusal of the Hand Book on Personnel Matters to this effect, which reads as under as also the relevant Rules only fortify the stand taken by the letter petitioner that extension beyond the age of retirement/superannuation has to be in "very rare" and "exceptional" circumstances:-
>
> "*22.4 Criteria for Extension/Re-Employment*
>
> *xx xx xx*"

> 6. The State is bound by the affidavit and as such, petition is disposed of with a direction that henceforth no employee shall be given extension or be re-employed beyond the age of superannuation / retirement save and except, in accordance with the Chapter-22 of the Hand Book on Personnel Matters Vol-II (2nd Edition) and the provisions of Fundamental Rules 56(d). Letter and spirit of the criteria prescribed and the Rules framed be strictly followed."

**CWPIL No.201 of 2017** titled ***Court on its own motion versus State of H.P. and Another***, and **CWP No.475 of 2025**, titled ***Sanjeev Dhiman versus State of H.P.***

52. Another Division Bench of this High Court in **CWP No.231 of 2025**, titled ***Vishal Sharma versus State of H.P.***, along with **CWP No.475 of 2025**, titled ***Sanjeev Dhiman versus State of H.P.***, decided by a common judgment dated 01.04.2025, had dealt with the issue of extension in service/re-employment in favour of Director, Animal Husbandry Department to the Government of Himachal Pradesh, vide Notification dated 02.01.2025, on the basis of representation made by the Hon'ble Minister for Agriculture and Animal Husbandry, Himachal Pradesh, approved by the Hon'ble Chief Minister, with communication to the Principal Secretary (Animal Husbandry) to the Government of H.P. to take further necessary action in the matter as per observations of the Hon'ble Chief Minister.

53. After the aforesaid communication received from the office of the Hon'ble Chief Minister, the Department had processed the file in purported compliance of Chapter 22 referred *supra*, and

thereafter again the file was placed before the Competent Authority, (Hon'ble Chief Minister), along with details of representations preferred by Dr. Vishal Sharma and Dr. Sanjeev Dhiman, the then Joint Directors of the Animal Husbandry Department, Himachal Pradesh. Thereafter, the Hon'ble Chief Minister had observed in writing that the Director may be re-employed for six months.

54. In the aforesaid case (*Dr. Vishal Sharma and Dr. Sanjeev Dhiman's case*), the Division Bench, after taking into consideration the provisions of Chapter 22 of the above referred Handbook dealing with extension and re-employment, as well as various pronouncements of the Courts in ***Satrudhan Sahani and others vs. the State of Bihar and others*, 1991 Patna 211**; ***Home Secretary, U.T. of Chandigarh and another vs. Darshjit Singh Grewal and others*, (1993) 4 SCC 25**; ***Ramana Dayaram Shetty v. International Airport Authority of India,* AIR 1979 SC 1628**, ***B.S. Minhas vs. Indian Statistical Institute,* 1984 SC 363**, ***Amarjit Singh Ahluwalia vs. State of Punjab,* 1975 SC 984**, ***Sukhdev Singh vs. Bhagatram Sardar Singh Raghuvanshi,* 1975 SC 1331**; ***Swaran Singh Chand vs. Punjab State Electricity Board,* 2009 (13) SCC 758** and ***H.V. Nirmala vs. Karnataka State Financial, Corpn.* 2008 SC 2440**; ***N. Kannapan vs. State (Union territory) Andaman & Nicobar Islands,* 2013 SC 336** and ***Harjit Singh vs.***

***State of Punjab,* 2002 SC 3040**; ***State of Uttar Pradesh vs. Singhara Singh and others***, **AIR 1964 SC 358**; ***Hukam Chand Shyam Lal vs. Union of India and others*, 1976 SC 789** and ***Chandra Kishore Jha vs. Mahabir Prasad and others*, J.T. 1999 (7) 256**, has observed that administrative instructions/circulars issued by the Government are expected to be followed and obeyed, as the very object of issuance of such administrative instructions is to avoid arbitrariness and ensure fair play, and in the absence of any statutory provision, the Government cannot act contrary to executive instructions. The acts must be done in a prescribed manner and in no other way, and conditions of rules and prescribed procedure must be satisfied with application of mind.

55. With the aforesaid observations, the re-employment granted to the Director, Animal Husbandry, was quashed and set aside. The following paragraphs of the said judgment would be relevant to be referred:-

> "6. Respondent No.2 in this case had forwarded a copy of representation of the Minister for Agriculture, Animal Husbandry, Himachal Pradesh received from the Hon'ble Chief Minister's office regarding grant of extension in service/re-employment in favour of respondent No.4, who was due to retire on 31.12.2024.
>
> 7. In the representation, it was observed that respondent No.4 is very hardworking officer and well conversant with every activities of the Department. It was further observed that during his tenure as Director, he handled the things perfectly and efficiently and, therefore, keeping in view the work experience,

the Minister concerned recommended his case for extension/re-employment in favour of respondent No.4 atleast for one year in the larger public interest.

8. The competent authority, after taking into consideration the service experience of respondent No.4 and recommendation of the Minister, approved re-employment in his favour for a period of six months on the post of Director, Animal Husbandry in the larger public interest. Accordingly, respondent No.4 was re-employed to the post of Director, Animal Husbandry vide Notification dated 02.01.2025.

xx xx xx

12. It would be clear from the aforesaid provisions that this Court while disposing of CWPIL No.201 of 2017 had passed specific directions that *"henceforth no employee shall be given extension or be re-employed beyond the age of superannuation/retirement save and except, in accordance with the Chapter-22 of the Hand Book on Personnel Matters Vol-II (2nd Edition) and the provisions of Fundamental rules 56(d). Letter and spirit of the criteria prescribed and the Rules framed be strictly followed"*.

13. At this stage, it needs to be observed that this Court cannot go into the "suitability" and "eligibility" of respondent No.4 to hold the post and it is not open to the petitioners to call upon the Government to justify as to why they choose to exercise the power of re-employment. The reasons for exercising the powers of re-employment are not justiciable, as the source of power is traceable to the Constitution. Therefore, the only question that remains to be considered and answered is whether the provisions of Chapter 22 have been followed in its letter and spirit as earlier directed by this Court in CWPIL No.201 of 2017.

14. In order to satisfy ourselves regarding the adherence to Chapter 22 by the respondents, we have called for the original record and find that it was the Minister of Agriculture and Animal Husbandry, who requested the Hon'ble Chief Minister vide letter dated 12.12.2024 to grant extension to respondent No.4.

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24. Having gone through the records produced by the respondents, we find that the procedure as contemplated in Clause 22.6 has not been followed and rather has been violated with impunity, that too, despite the judgment passed by this Court in CWPIL No.201 of 2017. Even the certificate of integrity and thereafter the proforma as prescribed under this provision is not available anywhere on the record.

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34. Moreover, in addition to the existence of extraordinary circumstances, the re-employment can only be made in public interest. The State has to consider the need for reemployment in the larger public interest of public as well as the department and its decision ought not to be sponsored by private or political interests.

35. The Government is obliged to balance the need for re-employment in public interest on the one hand and its obligation to consider the cases of other eligible candidates or their non-availability on the other. This approach alone would be in accordance with the specific instructions issued by the Government itself. The decision of the Government in reemploying a Government servant, thus, must stand the acid test of duel criteria afore referred.

36. As already observed above, the sole ground for extension/re-employment was the recommendation of the Hon'ble Minister, upon which, the Hon'ble Chief Minister had already approved six months' re-employment. Prior to that the file was not processed at all by the Department. Therefore, once a decision had already been taken by the Hon'ble Chief Minister, who on earth muchless a *"lesser mortal"*, could have bye-passed the order. Obviously, such decision had to be justified at all costs. The respondent-State admittedly did not at all consider whether other eligible candidates are available in the Department. This attitude of the State certainly tilts the balance of equality and administrative exigencies towards private/individual interest rather than public interest. Administrative orders of the present kind must serve a greater public interest. It must be passed on public grounds and the said expression is of wide magnitude and cannot have such a limited meaning that because merely a person being a Director, he must continue in the Department, more particularly, the provisions of Chapter 22 of the Handbook, which are mandatory, were required to be followed.

37. We need to reiterate that normally, the power of the Government in regard to the re-employment/extension is absolute, but is subject to the conditions and limitations provided in the rules or instructions. Once the Government forms the opinion that it is in public interest, then, correctness of such opinion can normally be not challenged before the Courts. However, if such decision is arbitrary, it will be open for the Court to interfere in such matters.

38. After all it is the Government itself while incorporating Clause 22 has specifically mentioned *"it would be appreciated that in each case of extension or re-employment, it*

*is not only the next man who misses promotion, but often several people miss consequential promotions all along the hierarchical strata. Thus, one person getting re-employment/extension means deferment of promotion for six or seven persons"*.

39. No doubt, it is the Government which is the final authority to take such a decision. The decision is subjective but ought to be data based, bonafide and in public interest as well as in the interest of administration of service of the State. Ordinarily, the burden of showing the exceptional circumstances and public grounds is on the State and it must be reflected from the record.

40. Administrative orders of the present kind must serve a greater public interest. It must be passed on public grounds and it is for this precise reason that the respondents, in their wisdom, provided for a proper procedure for processing cases of extension in service/re-employment.

41. It is more than settled that extension in service/reemployment, is only to be made in exceptional circumstances, whereas the instant case, is one "spoil system" as the reemployment has been made illegally. Merely because the recommendation has come from an elected representative, would not justify the extension/re-employment, in absence of satisfaction recorded.

42. Since, the respondents have failed to follow the procedure as contemplated in Chapter 22 of the Hand Book on Personal Matters, which as per directions of this Court passed in **CWPIL No.201 of 2017** titled as ***Court on its own motion vs. State of H.P and another***, decided on 19th December, 2017, have been held to be binding on the State Government and further directed to be followed in letter and spirit. Therefore, the re-employment granted to respondent No.4 cannot be countenanced and the same is required to be quashed and set aside."

**CWPIL No. 26 of 2025**, titled ***Atul Sharma versus Union of India and others***

56. The judgment pronounced by a Division Bench of this High Court, on 21.11.2025 in **CWPIL No. 26 of 2025**, titled ***Atul Sharma versus Union of India and others***, is related to the extension granted to the Chief Secretary to the Government of

Himachal Pradesh by the Central Government on the recommendation made by the Hon'ble Chief Minister of the State.

57. The factual matrix of ***Atul Sharma's case*** was altogether different, as in the said case, extension of the Chief Secretary to the Government of Himachal Pradesh was involved, which was approved by the Union of India by following the proper procedure, and keeping in view the nature and job of the Chief Secretary and finding on the basis of record that sufficient cause had been made out in the recommendations made on account of public interest, and the justification given was acted upon by the Competent Authority, the Division Bench did not show its inclination to go into the decision-making process itself by substituting the same with personal opinion.

58. However, in the aforesaid judgment in ***Atul Sharma's case***, the Division Bench had also observed that in *Vishal Sharma and Sanjeev Dhiman's* case, justification was found lacking, and therefore, on facts, both cases were different, with further observation that in *Vishal Sharma and Sanjeev Dhiman's* case, Chapter 22 of the Handbook on Personnel Matters was in reference, which was not a case in extension of the Chief Secretary, which is dealt with under a different set of rules, as noticed in the said

judgment. In this regard, paragraph 69 of the Atul Sharma's judgment is relevant to be referred, which reads as under:-

> "69. Reliance upon the judgment of the Coordinate Bench in Vishal Sharma's case (supra) would go on to show that it was a case of re-employment granted to the post of Director, Animal Husbandry and the Rules in question were contained in Chapter 22 of the Hand Book on Personnel Matters and it was not a case of extension of the Chief Secretary as such which is under different set of Rules, as noticed. Therefore, in the said case findings were recorded that the procedure followed had not been adhered to and it was held that the re-employment cannot be countenanced and has been set aside while noting that the file was not at all processed by the department. Therefore, the justification was found lacking. Thus, the facts as such in the said case cannot be said to be similar, in any manner, to the present case."

**Final Conclusion**

59. After going through the record and the details of records placed before us by both parties, we find that the present case is almost similar to the case of extension of Director, Animal Husbandry Department adjudicated in CWP No. 231 of 2025 (CWP No. 231 and 232 of 2025, titled *Vishal Sharma and Sanjeev Dhiman's case*), because the post of Director, Animal Husbandry is the highest post in the Animal Husbandry Department next to the Secretary Incharge of the Department, and similarly, the post of ENC involved in the present case is the highest post in the PWD Department next to the concerned Secretary Incharge to the Government of Himachal Pradesh. Both cannot be equated with the post of Chief Secretary, but are on the same footing in comparison to each other.

60. As per the provisions of Chapter 22, and as also held by the Courts in the judgments referred supra, for extension of service, the extension of service must be clearly in the public interest, and in addition satisfy one of the following two conditions:-

(i) that other officers are not ripe enough to take over the job;

(ii) that the retiring officer is of outstanding merit.

61. From the material placed on record, it is evident that it was never the case of the Department as well as Secretary (Personnel) or even the Chief Secretary that extension of service of respondent No. 4 was required in public interest. It was also not the case of the Department and the concerned officers, that no other officer had ripened enough to take over the job or that the retiring officer was of outstanding merit. Instead, Secretary (Personnel) and the Department had moved the file for promotion of eligible Chief Engineer to the post of Engineer-in-Chief likely to be falling vacant on retirement of respondent No. 4. The Screening Committee as required to be constituted, was constituted by the Department of Personnel with concurrence of the Chief Secretary, consisting of Chief Secretary, Additional Chief Secretary, Principal Secretary (Public Works), and Secretary (Personnel). Memorandum for

consideration of Screening Committee was ready and for this purpose, the meeting of the Screening Committee was going to be convened on 09.04.2026. However, as Secretary (Personnel) was on tour, the meeting was deferred, and the file was placed before the Chief Secretary to fix the next date, but at that time, the file was deferred with the note "Please speak" (Pls. spk.).

62. Till deferment of the file of promotion as referred supra or even thereafter, there was no case placed or pending before the competent authority referring the requirement of extension of service of respondent No. 4 in public interest or on account of either of the two tests referred in Chapter 22 referred *supra*.

63. After deferring the meeting of the Screening Committee, approval of extension of service of respondent No.4 by the Hon'ble Chief Minister, was communicated to the concerned authority and then the file was moved, movement whereof has been placed on record with the noting sheet quoted supra. In the noting of the said file also, there is no reference to public interest or fulfillment of the two tests / condition precedent for extension of service in addition to public interest. Rather, it appears from the record that instead of expressing public interest or necessity of extension of service of respondent No. 4, the note speaks otherwise by referring to the

notification dated 07.04.2026, whereby the decision of the Government was communicated that no proposal for extension of service shall be entertained at any level and all departments were advised to ensure strict compliance with these directions. Despite that, the extension of service of respondent No. 4 was approved for six months by the competent authority / Hon'ble Chief Minister on 28.04.2026 with the noting "Approved for 6 Months".

64. It is also a matter of record that no requisite proforma, as prescribed in Chapter 22 referred supra, was ever filled in by respondent No. 4 or by the Department, much less submitted to the competent authority to justify the extension of service of respondent No.4.

65. In the reply filed on behalf of respondent-State also, there is not a single word uttered showing the public interest and fulfilling either of the conditions provided in Test (i) and Test (ii) of Chapter 22, which are pre-conditions for extension of service of an employee in addition to public interest. Instead, it has been reiterated that a meeting of the Screening Committee to fill up the post of Engineer-in-Chief (in short 'ENC') is convened by the Secretary (Personnel) from time to time, and in the present case also, the file was put up to the competent authority to convene the meeting of the

Screening Committee for filling up the post of Engineer-in-Chief, Himachal Pradesh Public Works Department (in short 'HPPWD'), which was likely to fall vacant on 01.05.2026 due to the retirement of respondent No. 4 on 30.04.2026 on attaining the age of superannuation. It had been further submitted that in the meanwhile, the Additional Principal Private Secretary-cum-Special Secretary to Chief Minister, vide U.O. Note No.APPS/2/2026, dated 28.04.2026, intimated that Hon'ble Chief Minister had approved the grant of extension in service in favour of respondent No. 4 for a period of six months, which was put up on file for consideration of the authority, and the competent authority approved extension in service in favour of respondent No. 4, and accordingly notification dated 28.04.2026 (Annexure P-6 to the writ petition) was issued in regard to extension in service of respondent No. 4 for a period of six months, stating it to be in public interest.

66. Apart from the aforesaid submissions, all other averments/contentions preferred in the petition have been admitted. Applicable criteria for promotion to the post of Engineer-in-Chief has also been admitted, but with the further submission that however, since respondent No. 4 had been granted extension of service with the approval of the competent authority in public interest.

67. Public interest is not a magic word, user of which itself discloses the public interest which was or is warranted for the impugned action of the respondent-State. There is not an iota of evidence on record to indicate the public interest which warranted the competent authority to grant extension of service to respondent No. 4. Along with the reply of the State, no document has been filed nor any record was or had been ever produced indicating the public interest for extension of service and fulfilling either of the two tests which are required in existence in addition to public interest for extension of service.

68. As already observed, the file dealing with the grant of extension of service to respondent No. 4 also does not refer to any public interest and/or fulfilling either of the tests provided under Chapter 22 in addition to the public interest.

69. Like *Vishal Sharma's* case, in the present case also, the decision of Hon'ble Chief Minister approving six months' extension of service to respondent No. 4 has been conveyed to the concerned authority which had already undertaken the process for promotion/filling up the post of Engineer-in-Chief by constituting a Screening Committee and fixing the date of the meeting of the Screening Committee for filling the vacancy going to arise on the

retirement of respondent No. 4 on 30.04.2026. The competent authority deferred the process of promotion, and acted upon the communication received from the office of Chief Minister through the Additional Principal Private Secretary-cum-Special Secretary to the Chief Minister of Himachal Pradesh, and therefore there was no choice with the Department for application of mind by the competent authority. However, it is also apt to notice that despite receiving the intimation of approval of extension of service, the matter was placed before the Hon'ble Chief Minister with a noting reflecting the situation otherwise, on the basis of which extension of service of respondent No. 4 could have been declined, but contrary to the essence of the noting, the Competent Authority (Hon'ble Chief Minister) approved the extension for six months without citing any reason for not showing agreement with the case placed before him indicating that such extension should not be granted. Accordingly, the concerned authority acted upon the decision of the Hon'ble Chief Minister which had been taken even prior to moving the file for extension of service of respondent No. 4, and proceedings, initiated by the concerned authority for filling up the post by way of promotion by convening the meeting of the Screening Committee constituted for that purpose, were closed.

70. On 9th April, 2026, the meeting of the Screening Committee was scheduled for considering the promotion of eligible candidates to the post of Engineer-in-Chief. However, the meeting could not be convened on account of the absence of Secretary (Personnel) being on tour. The file was submitted on the very same day to the Chief Secretary to indicate a suitable date to convene the meeting of the DPC. This file moved up to the Secretary (Personnel) on 09.04.2026 itself, who was on tour and probably for that reason he dealt with the file on 20.04.2026 and it was submitted to the Chief Secretary on the same day. However, on 22.04.2026, the Chief Secretary deferred the file by putting the note *"Please speak"* (Pls. Spk). Thereafter, there is silence about the movement of the file since 22.04.2026 till 15.05.2026, and it was marked by the Secretary (Personnel) on 15.05.2026 to the Special Secretary (Personnel), who marked it accordingly to the next officers/officials, and thereafter, the process for filling up the post by way of promotion was closed on account of extension of service granted to respondent No. 4.

71. This movement of the file also indicates that the file was deliberately deferred and a parallel process for extension of service of respondent No. 4 was initiated on the basis of approval of the Hon'ble Chief Minister for extension of service in favour of

respondent No.4-Narinder Pal Singh received in the Department of Personnel.

72. Interestingly, both files were being dealt with by the Department of Personnel, and the stand of the Department of Personnel was also one and the same on the basis of which the Department was proceeding further for finalizing the proceedings of the DPC to fill up the post by way of promotion, but without any plausible reason, public interest, or any justifiable reason, the process of promotion was scuttled and extension of service was granted to respondent No. 4 in the present case.

73. The present case is on better footings than *Vishal Sharma and Sanjeev Dhiman's* case, wherein the Departmental Promotion Committee (in short 'DPC') was not set in motion, whereas in the present case, appropriate process had already been undertaken by the concerned authority, and thus, findings returned in ***Vishal Sharma's case*** and ***Sanjeev Dhiman's case*** are also equally applicable to present case and the impugned action of granting extension of service to respondent No. 4 is not sustainable.

74. It is also noticeable that the State in its reply has not pleaded any material justifying the public interest or necessity of extension of service of respondent No. 4 on account of some

ongoing projects. But respondent No. 4 in his reply has made a self-appraisal of his competency by referring to a number of ongoing priority works/projects which, according to him, would be adversely affected on account of non-grant of extension of service in his favour, but no such plea has been taken in the reply of respondent-State.

75. It is also a matter of record that it is not a case either of the State or of respondent No. 4 that the next incumbent in queue to be promoted as Engineer-in-Chief is or was incompetent or incapable of performing the duty of Engineer-in-Chief, and because of his incapacity or incompetence, any work/project of the State is going to be adversely affected. Instead, the petitioner, without mincing any words, has categorically pleaded his eligibility, competency, and capability in the petition, which stand unrebutted in the replies of the respondents. Therefore, in the present case, neither public interest has been proved on record for extension of service, which is the first requirement of extension of service, nor either of the additional conditions provided in Test 1 and Test 2 in Chapter 22 is in existence. Therefore, the impugned extension of service granted to respondent No. 4 is illegal, null and void, and in conflict with the pronouncements of the Courts referred supra.

76. Petitioner was eligible to be considered for promotion to the post of Engineer-in-Chief with effect from 01.05.2026, the date from which the post of Engineer-in-Chief was likely to be vacant on account of retirement of respondent No. 4, and the process was at final stage in the first week of April, 2026, which was deferred, probably at the instance of respondent No. 4, who managed to obtain approval of the Hon'ble Chief Minister without fulfilling the requirement for that, that too without submitting a case for extension of service in accordance with the procedure prescribed under Chapter 22. No compelling and justifiable reason, as required, has been brought on record for extension of service of respondent No. 4. Therefore, in case the petitioner is found suitable to be promoted as Engineer-in-Chief, he shall be entitled for such promotion from the due date, that is 01.05.2026, and shall be entitled for emoluments attached to the said post, as there is no fault on the part of petitioner in not performing the job of Engineer-in-Chief with effect from 01.05.2026, but it was and is on account of the illegal action of the respondents that he has been deprived or prevented from performing the job of Engineer-in-Chief from due date. Therefore, in case petitioner is found suitable to be promoted to the post of Engineer-in-Chief, as held by the Apex Court in ***Union of India vs.***

***K.V. Jankiraman and others reported in (1991)4 SCC 109*** 'no work no pay' principle shall not be applicable in the present case.

77. In view of the above discussion, the petition is allowed in the following terms:-

(i) The impugned notification dated 28.04.2026 (Annexure P-6), granting extension in service to respondent No. 4, is quashed and set aside, being illegal, arbitrary, and void *ab initio*.

(ii) Consequent upon the quashing of the impugned notification (Annexure P-6), respondent No. 4 shall cease to hold the office of Engineer-in-Chief, Himachal Pradesh Public Works Department, with immediate effect and is directed to relinquish the charge of the said post forthwith.

(iii) Respondents-State are directed to revive, convene, and conclude the proceedings of the Screening/Selection Committee, initiated in April, 2026 for filling up the post of Engineer-in-Chief, HPPWD, which were illegally deferred and closed on account of the extension granted to respondent

No. 4, strictly in accordance with the applicable criteria and rules, on or before **11.11.2026**.

(iv) In case the petitioner is found suitable and recommended for promotion by the Screening Committee, he shall be promoted to the post of Engineer-in-Chief with effect from the due date, i.e., **01.05.2026**, and shall be entitled to all consequential benefits, including seniority, pay fixation, and actual monetary emoluments/arrears attached to the said post from 01.05.2026, as the principle of *'no work, no pay'* shall not be applicable in the present case.

78. Petition is allowed and disposed of in aforesaid terms along with pending miscellaneous application(s), if any.

***(Vivek Singh Thakur)***
***Judge***

***(Ranjan Sharma)***
***Judge***

***27th October, 2026***
*(Pardeep)*