IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19250 of 2026
Decided on: 02.11.2026

Mohan Lal **.....Petitioner**

Versus

HRTC and Anr **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Manohar Lal Sharma, Advocate.

For the Respondents: Mr. Abhishek Thakur, Advocate.

Jyotsna Rewal Dua, Judge

Petitioner's grievance is that on account of minor penalty of stoppage of one increment with cumulative effect for six months, which was imposed upon him on 12.11.2024, the respondent-HRTC is not giving him placement/promotion against the post of Painter (Technician Grade-II) with effect from 26.06.2025, i.e. the date when his counterparts/juniors were placed/promoted.

2. Heard and considered the case file.

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

2(i) Petitioner was engaged as Painter in the respondent-Corporation on piecemeal basis on 21.07.2008. His services were converted on contract basis on 01.06.2015 and regularized on 08.03.2019. Pursuant to the recommendations of the Departmental Promotion Committee (DPC), petitioner on 06.05.2022 was placed in the pay band of Rs. 5910-20200 + 1900 Grade Pay.

3(ii) For willfully remaining absent from duties for a period of three days (16.08.2024 to 18.08.2024), a charge memo was issued to the petitioner on 27.08.2024 under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1925 [CCS (CCA) Rules 1962] or in other words for imposition of minor penalty. Petitioner filed reply to the charge memo on 23.09.2024. It appears that without conducting any regular inquiry, the respondents issued an office order on 12.11.2024 imposing penalty of stoppage of one increment for a period of six months without cumulative effect upon the petitioner. Period of absence of three days with effect from 16.08.2024 to 18.08.2024 (three days) was regulated and adjusted towards compensatory leave. As per petitioner, the currency of penalty of stopping one increment of the petitioner for a

period of six months under order dated 12.11.2024, came to an end on 31.05.2025.

2(iii) Petitioner's grievance is to the office order dated 26.06.2025 (Annexure P-6), whereunder the respondent-Corporation considered the cases of counterparts and juniors to the petitioner for placement as Technician Grade-II in Level-6 of the pay matrix (Rs. 25600-81200). On recommendations of the DPC, respondent-Corporation had issued office order dated 26.06.2025 placing several counterparts and juniors of the petitioner as Technician Grade-II in Level-6 of the pay matrix.

2(iv) Petitioner represented on 01.06.2026 to respondent No. 1 for giving him placement as Painter (Technician Grade-II). Hearing no response, petitioner instituted this writ petition seeking substantive reliefs:-

> *"i). That the directions may kindly be issued to the respondents to give the placement to the petitioner w.e.f. 26.06.2025 from the date the counterparts of the petitioner were given placement against the post of panter (Technician Grade-II) with all consequential benefits.*
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> *(ii) That the representation dated 01.06.2026, Annexure P-7, may kindly be ordered to be decided within à time bound manner."*

3. Respondent-Corporation has filed its reply. Stand taken is that penalty of stoppage of one annual

increment for a period of six months without cumulative effect imposed upon the petitioner remained operative up to 31.10.2025. Petitioner's case could not be acted upon for placement on 26.06.2025 in view of applicable instructions governing consideration of cases where a penalty had been imposed in disciplinary proceedings. It has further been pleaded that as per instructions contained in Para 17.6.2 of Swami's Handbook relating to Seniority and Promotion, where penalty has been imposed upon a government servant as a result of disciplinary proceedings, the findings in the sealed cover are not to be acted upon and the case of the employee is to be considered by the next DPC in normal course, having due regard to the penalty imposed; The penalty imposed upon the petitioner ceased to operate on 31.10.2025. No subsequent DPC has been convened till date for placement to the post of Painter Grade-II. Therefore, there has been no occasion for the respondents to consider petitioner's case after expiry of penalty. According to the respondents, they have neither closed nor rejected petitioner's claim permanently; his case would be considered by the competent DPC as and when the next DPC for placement to the post of Painter Grade-II is

convened, subject to applicable rules and eligibility conditions.

4. Admittedly, charge memo was issued to the petitioner by the respondents under Rule 16 of the CCS (CCA) Rules for imposition of minor penalty for remaining absent from duty for a period of three days i.e. 16.08.2024 to 18.08.2024. Such charge memo was issued on 27.08.2024. Apparently, without holding any inquiry, the respondents imposed penalty of stopping one increment for a period of six months without cumulative effect upon the petitioner vide office order dated 12.11.2024. Even assuming that petitioner's increment had to be withheld pursuant to the penalty order dated 12.11.2024 uptill 15.10.2025 as is projected in the reply, then also, as per reply filed by the respondents, case of the petitioner was kept in sealed cover on the date of convening the DPC on 26.06.2025. It is also the case set up by the respondents in their reply that currency of minor penalty imposed upon the petitioner lapsed on 15.10.2025. More than a year has gone by, the respondents are required to open the sealed cover and to take action thereupon from due date in accordance with law. Minor penalty of stoppage of one annual increment for six months without cumulative effect

cannot be construed to attract another automatic penalty of withholding petitioner's placement/promotion from due date, which has been recognized as another minor penalty in terms of Rule 11 of the CCS (CCA) Rules. For opening the sealed cover, it is not necessary for the respondents to wait for convening of a DPC in normal course. Once the currency of penalty is admittedly over, the respondents are required to open the sealed cover containing recommendations of the DPC for consideration of the case of the petitioner, as projected in their reply, and to act thereupon in accordance with law or else, the petitioner would end up having two minor penalties imposed upon him (i), stoppage of annual increment for six months without cumulative effect, and (ii) stoppage of his promotion/placement from due date, which cannot be countenanced.

5. In view of above, this writ petition is disposed of with directions to the respondent-Corporation to open the sealed cover of the recommendations of the DPC for consideration of the case of the petitioner as projected in their reply, within two weeks from today and take the same to their logical conclusion in accordance with law. In case the petitioner is held entitled for promotion/placement,

same be extended to him as per law within the aforesaid period.

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

Jyotsna Rewal Dua
Judge

November 2, 2026
R.Atal