IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 16563 of 2026

Decided on: 04.11.2026

Vikash Sharma and others .....Petitioners

Versus

Himachal Pradesh State Electricity Board Limited ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?[1]

For the petitioners	:	Mr. Sanjeev Bhushan, Senior Advocate with Mr. Sparsh Bhushan, Advocate.
For the respondents	:	Mr. Rahul Thakur, Advocate.
	:	Mr. Dilip Sharma, Senior Advocate with Mr. Munish Sharma, Advocate for the applicants/proposed respondents in CMPs No. 27496, 27504 and 29068 of 2026.

Ajay Mohan Goel, Judge *(Oral)*

CMPs No. 27496, 27504 and 29068 of 2026

Having heard learned Counsel for the applicants, these applications are allowed as prayed for and the applicants therein are ordered to be impleaded as party respondents in the present proceedings.

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2. By way of this writ petition, the petitioners have *inter*

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

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alia prayed for the following reliefs:-

> *"(i) That an appropriate writ, order or directions may kindly be issued and the Recruitment and Promotion Regulations for the post of Assistant Engineer (Electrical) promulgated under the powers conferred by Section 79 (c) read with Section 15 of the Electricity (Supply) Act, 1948 and other enabling provisions, particularly amendment carried out on Annexure P-5 may very kindly be quashed and set aside, whereby 40% quota has been made exclusively for diploma holders in the interest of law and justice. 19.6.2012*
>
> *(ii) an order or That appropriate writ, directions may kindly be issued and the respondent board may kindly be directed to make all the promotions strictly on the basis of seniority for 40% quota available to the promotions from the Junior Engineers irrespective of their qualification i.e. diploma or degree holders in the interest of law and justice.*
>
> *or (iii) That an appropriate writ, order directions may kindly be issued and the respondent board may kindly be directed to notify the amendment in the Recruitment and Promotion Regulations which is approved in 183rd meeting of Whole Time Directors of the respondent Board, after getting it approved from the Service Committee in the interest of law*

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and justice."

3. Though reply is stated to have been filed, but the same is not on record, however, a copy thereof has been made available for the perusal of the Court.

4. Mr. Deepak Nandan Singh, Under Secretary (Law), who is present in person in the Court, on instructions submitted that needful in terms of Annexure P-12, will be done after approval is received from the Service Committee, to which the matter has to be referred as per notification dated 08.02.2026. However, having perused notification dated 08.02.2022, we are of the considered view that in the present case, there is no need for the respondent-Board to have its proposal examined from the Service Committee which has been constituted vide notification dated 08.02.2022.

5. For ready reference, relevant portion of notification dated 08.02.2026, which is appended with the reply of the respondent as Annexure RA-2, is being quoted herein below:-

> *"Notification*
>
> *In supersession of all the previous notifications/instructions/guidelines, the Governor, Himachal Pradesh is pleased to constitute the following Service Committee of the Boards/Corporations/ Autonomous Bodies of Himachal Pradesh*

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to examine the proposal with regard to sanction of staff, revision of Pay Scale/Up-gradation of Posts and allied matters of the Boards and Corporations with Immediate effect:-

1)	*ACS/Secretary Finance*	*Chairman*
2)	*Administrative Secretary or his representative*	*Member*
3)	*Director (IF)-cum-Special Secy*	*Member*
4)	*Managing Director/CEO of the Boards/Corporations."*	*Member Secy.*

6. A perusal of the above notification demonstrates that a proposal is required to be placed before the Service Committee provided it is with regard to the sanction of staff, revision of pay scale/upgradation of post and allied matters, which obviously means the allied matters relatable to sanction of staff, revision of pay scale and upgradation of posts.

7. In the present case, the issue before us does not relate to sanction of staff, revision of pay scale or upgradation of posts. It is a simple issue as to what percentage of the posts of Assistant Engineers are to be filled in by way of promotion from Graduate Junior Engineers and what percentage from Diploma holder Junior Engineers. In this regard, in terms of Annexure P-12, a proposal has already been mooted to carry out amendments in the Recruitment

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and Promotion Rules and the petitioners, who are degree holder Junior Engineer have approached this Court with the prayer that the respondents be directed to proceed ahead in terms of the said proposal.

8. Learned Senior Counsel appearing on behalf of the newly impleaded private respondents, who are the Diploma holder Engineers has submitted that the private respondents do not have any objection qua the prayer of the petitioners. Their only concern is that as enough Graduate Junior Engineers and Diploma holder Junior Engineers are available for promotion and as enough vacancies also exist, respondent-Board be directed to do the needful expeditiously.

In light of the above facts, as Under Secretary (Law) of the respondent-Board has now submitted that now the needful will be done by the respondent-Board, without insisting upon an approval from the Service Committee, within a period of three weeks from today, this petition is disposed of with the direction to the respondents that needful in terms of Annexure P-12 be done by the respondent-Board within a period of three weeks from today. Thereafter, after the necessary amendment is incorporated in the

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Recruitment and Promotion Rules, as it is not in dispute that vacancies are available, promotions of the eligible candidates be immediately made to the post in issue, in accordance with the Recruitment and Promotion Rules. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

November 04, 2026
(*narender*)