
(2020) 09 SHI CK 0136
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 5 Of 2019

Rajinder Kumar & Ors

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 10-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0136

Hon'ble Judges : Tarlok Singh Chauhan, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Shrawan Dogra, Tejasvi Dogra, Ashok Sharma, Ranjan Sharma, Vinod Thakur, Vikas Rathore, Desh Raj Thakur, Seema Sharma, Bhupinder Thakur, Svaneel Jaswal, B. C. Negi, Nimish Gupta

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. The petition has been filed for the grant of following substantive relief:-

(a) That the respondents may immediately be directed to promote the applicants as early as possible on the vacant posts of DPE (193 in number) strictly as per the eligibility as prescribed under the Rules and seniority to be computed/reckoned on the basis of date of regularisation of the incumbents and further the respondents may be directed not to promote any of the juniors who have been regularised after the applicants on the said posts over and above the applicants.

2. Learned Advocate General has placed on record instructions dated 09.09.2020, relevant portion whereof, read as under:-

"I have the honour to refer to above cited Civil Writ Petition which is pending adjudication before this Hon'ble Court and was listed before this Hon'ble Court on 07.09.2020, when after hearing the matter Hon'ble Court was pleased to pass the following orders:-

"Learned Advocate General states that even though he has received certain

instructions, however, the same are not clear. He prays for and is granted two days' time to seek instructions. List on 10.09.2020. Interim order to continue."

In this behalf, it is submitted that earlier this case was listed before this Hon'ble Court on 22.11.2019 when after hearing the matter was pleased to pass inter-alia following orders:-

"Till further orders, the respondents are restrained from making promotions of any junior PET (Physical Education Teacher), over and above the applicants."

At present there are 333 posts of DPEs are available for promotion, but due to aforesaid order dated 22.11.2019 promotion process could not be initiated till the final outcome or contrary direction from this Hon'ble Court in present CWPOA.

It is, therefore, requested that Hon'ble Court may kindly be apprised with the aforesaid facts on the next date of hearing."

3. Both the parties have no objection, in case order dated 22.11.2019 is vacated. It is also not in dispute that in case the aforesaid order is vacated and directions are issued to fill up the remaining 333 posts of DPEs by way of promotion, then the instant petition would not survive.

4. Consequently, taking into consideration the respective stand of the parties, the instant petition is disposed of with direction(s) that interim order dated 22.11.2019 is ordered to be vacated and respondents-State are directed to fill up the remaining 333 posts of DPEs by way of promotion strictly in accordance with the Rules, within a period of six weeks from today and file compliance affidavit before this Court on 29. 10.2020.