

(2020) 12 SHI CK 0236

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5438 Of 2020

Satish Kumar And Others

APPELLANT

Vs

State Of Himachal Pradesh & Another

RESPONDENT

Date of Decision : 30-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0236

Hon'ble Judges : Sureshwar Thakur, J;Sandeep Sharma, J

Bench : Division Bench

Advocate : Rakesh Kumar Dogra, Ashwani Sharma

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. The writ petitioners belong to the feeder category of group instructors wheretowhich, a, 50% quota is reserved for theirs becoming promoted, as,

Principal(s), ITIsâ?? concerned. The writ petitioners were initially promoted through an order borne in Annexure P-3 as Principal(s), Industrial

Training Institute(s) concerned. However, the afore order became withdrawn through an order embodied in Annexure P-5. The reasons for the

making of Annexure P-5, is embodied, in the factum of the erstwhile H.P Tribunal, upon, M.A No. 867 of 2018 filed in OA No. 3547 of 2016, rather

making a direction upon the respondents, direction whereof is extracted hereinafter, wherethrough, a fetter was imposed upon them, to, not finalize the

promotion(s) of the aspirants concerned to the promotional post of Principal, ITI, unless leave of the Tribunal is asked for or obtained.

â??...However, process for promotion to the post of Principal ITIâ??s may continue but shall not be finalized without prior approval of this Tribunal,

for which the respondents may seek appropriate directions from this Tribunal at the appropriate time.â??

2. However, the afore order, as, made by the erstwhile Tribunal has extantly become lifeless, or, holds no legal force, in as much as, with the

Coordinate Bench of this Court, on, 10.7.2020, upon, CWPOA No. 51 of 2019, alongwith connected matters, making a decision, wherethrough the

afore leave became granted to the respondents to consider afresh the claimsâ?? of the aspirants concerned, for, theirs becoming promoted to the

post of Principal(s), of, ITIsâ?? concerned, (a) whereupon the afore extracted order, as, made by the erstwhile Tribunal, upon, MA No. 867 of 2018,

nowat acquires no legal force. Thereupon, the apt sequel thereof is that, the reason(s) assigned in Annexure P-5, in as much, as, the afore order hence

made by the erstwhile Tribunal, upon, M.A No. 867 of 2018, continuing, to, fetter the respondents, to consider the claims, of, the group instructors,

wheretowhom, a 50% promotional quota is reserved, for theirs being considered, for, the promotional post of Principal ITIs rather being, a, gross

misreading, and, a gross mis-awakening, of the respondents vis-a-vis the verdict supra. In aftermath, the writ petition is allowed, and, the apposite

order borne in Annexure P-5 is quashed and set aside, and, the respondent(s) shall, in accordance with the roster points hence fixed for the relevant

purpose, forthwith ensure meteings, of, promotion(s), to the writ petitioners from the post of group instructors, to the promotional post, of, Principal(s),

ITIs concerned.

All pending applications stand disposed of accordingly.

No costs.