

**Government of Himachal Pradesh
Department of Technical Education**

No. EDN(TE)E(1)19/2017 Dated Shimla-171002, the 9th October, 2021.

ORDER

Whereas Shri Ashwani Kumar and 11 others had filed an OA No. 1350/2017 before the erstwhile Himachal Pradesh State Administrative Tribunal seeking the following relief:-

“That the Recruitment & Promotion Rules for promotion to the post of Principal in Polytechnic in the Respondent Department of Technical Education may kindly be quashed and set aside to the extent, for promotion to the post of Principal, the length of service as Head of Department only, in different branches of Engineering, is taken into account instead of counting the entire length of service from the cadre of Lecturer to the post of Head of Department; and the necessary amendment may kindly be directed to be made in the Recruitment & Promotion Rules, in the interest of justice.”

Hon'ble High Court has decided the said CWPOA No. 1764/2020 on dated 24.03.2021 and passed the following direction vide its order dated 24.03.2021:-

“Since paragraph-3 of the reply on affidavit, furnished by the respondent concerned, discloses, that, proposals for making amendment(s) to the recruitment and promotion Rules, for the post(s), of, Principal (polytechnics), hence upon a representation, of, the petitioners, is, pending before the Director, Technical Education and, thereafter, is pending before the Secretary of the department concerned of the Government of Himachal Pradesh.

2. Consequently, the Secretary of the department concerned, and, also all the concerned, are directed to, within eight weeks hereafter, make a decision, upon the representation(s) of the petitioners, for making

afore process, of the competent authority, making a speaking decision, upon the representation(s), of, the petitioners, it shall afford an opportunity of personal hearing to them. It is made clear that any aggrieved, from the speaking decision, taken by the competent authority, upon, the petitioner's representation(s), may recourse the appropriate remedy, before this court."

In compliance of the directions issued by the Hon'ble High Court vide aforesaid order, personal hearing was given to the petitioners Sh. Ashwani Kumar and Others on 21.10.2021. S/Shri Ashwani Kumar, Arvind Katoch, Rajesh Sharma, Yatinder Nath Sharma, Daulat Ram Budh, Desh Raj Sharma, Ravinder Kumar, Dheeraj Kaushik, Ashok Kumar Bhardwaj and Naresh Kumar Sapehia were present in the personal hearing. Shri. Ravinder Kumar has submitted the representation. I have gone through the representation as well as the material record produced before the undersigned and also gone through the comments to the Director, Technical Education. The main grievances of the representationists is that junior person to them at entry level of Lecturer examination of different streams are becoming Head of Department (HOD) earlier and hence getting promoted as Principal. I have also gone through the R&P rules of various branches of HODs as well as Principal. As per AICTE rules the R&P rules of Principals the combined seniority of HOD has to be taken into account and which cannot be altered with as per AICTE norms. However, there seems a bit of discrepancies in the rules of HOD of different branches where the seniority of Lecturer and Sr. Lecturers is taken into account and is the sole major reason for the discontentment amongst the representationists. Hence after having heard the representationists, departmental officers, and material records produced before the undersigned, I am of the considered opinion that there is need to have common R&P rules for HODs of all streams so as to redress the grievances to a large extent.

Now therefore, undersigned, after careful

proposal for framing common R&P rules for the post of Head of Department of all streams may be processed so that grievances could be redressed to a large extent.

(Onkar Chand Sharma)
Principal Secretary(Tech. Edu.) to the
Government of Himachal Pradesh.

No. EDN(TE)E(1)19/2017 Dated Shimla-171002, the 21st October, 2021.

Copy forwarded for information and necessary action to :-

1. The Director, Technical Education, Vocational & Industrial Training, H.P. Sundernagar, HP. He is requested to deliver the copy of said order to all petitioner's and send the receipt to this department for record.
2. The Ld. Advocate General, State of Himachal Pradesh, Shimla-1 w.r.t. his letter No. Ex. Pet. /2021-25745, dated 13.08.2021 and letter No. 9-5/2020-Vikrant Chandel, DAG, A.G.-7893, dated 13.08.2021. He is requested to apprise the Hon'ble High Court accordingly.
3. Incharge, Legal Branch O/o Director, Technical Education, Vocational & Industrial Training, Sundernagar, H.P. w.r.t. his letter No.STV(TE)H:B (4) 232/PF/Ashwani/HOD/Elect. Engg./64532, dated 27.09.2021

(Sanjay Chauhan)
Under Secretary(TE) to the
Government of Himachal Pradesh.
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