

Government of Himachal Pradesh
Department of Technical Education,
Vocational & Industrial Training

Nó. EDN(TE)E(1)28/2023

Dated Shimla-171002, the 15 November, 2025.

ORDER

Sh. Vibhor Kumar Sharma, Senior Lecturer (Civil Engineering) has filed the CWP No. 8098/2023 titled as Vibhor Kumar Sharma Vs State of H.P. & Ors for the promotion to the post of Head of Department (Civil Engineering) and the Hon'ble High Court has passed following order on 14.05.2024 as under:-

"-----19. On the analysis of the facts of the case and the exposition of law, as discussed above, the reasons assigned by the respondents for denying promotion to the petitioner as HOD (Civil Engineering) along with other six incumbents cannot be countenanced. The respondents were liable to consider the posts held by Sh. Deepak Angra and Smt. Anita Joshi as clear vacancies and denial of such position is clearly de-hors the Rules adopted by the State Government as described under para 16.23 (3)(b) of the Handbook Personnel Matters, Volume-1 (Second Edition)

20. The objection of respondents that after enforcement of new R&P rules w.e.f. 16.10.2023, the petitioner has become ineligible also deserves to be rejected. The right of petitioner for being considered for promotion to the post of HOD (Civil Engineering) had accrued to him on the day he became eligible for such considered under the then prevalent R&P Rules. The right so accrued in favour of the petitioner cannot be taken away by subsequent amendment in R&P Rules.

21. In light of above discussion, the petition is allowed. The respondents are directed to promote the petitioner to the post of HOD (Civil Engineering) on the basis of DPC held on 14.09.2023 from the date when other six incumbents who were petitioners in CWP No. 3909 and 4234 of 2023 were promoted. The respondents are further directed to grant all consequential benefits of pay, seniority etc. to the petitioner.

22. The petitioner is accordingly disposed of in the aforesaid terms, so also the pending miscellaneous application(s) if any."



As per the advice of Law Department, the department has filed the LPA No. 478/2024 in CWP No. 8098/2023, titled as State of H.P. & Ors. Vs. Vibhor Kumar Sharma in Hon'ble High Court and has passed order dated 09.01.2025 as under:-

“-----16. It would be evidently clear from the aforesaid instructions adopted by the State Government that there is a clear mandate to consider the vacancy arising in a post/grade/service due to death, retirement, resignation, promotion of incumbent to higher posts/grades, deputation for a period exceeding three years besides others as clear vacancies. Now when Mr. Deepak Angra and Smt. Anita Joshi having been deputed to discharge the function and duties of Deputy Director (T&P) and HOD (Continuation Education), respectively for more than three years. The vacancies created by them over a period of three years, clearly fall within the ambit of para 16.23 (3)(b). Therefore, the posts of HODs allegedly held by them were liable to be considered as "vacant" at the time of holding of DPC, wherein the petitioner was also considered for promotion to the post of HOD (Civil Engineering).


17. Once the provisions, as contained in Chapter 16, more particularly, para 16.23 are clear on the subject and have been adopted by the State Government, then we have no hesitation to conclude that the respondents are liable to consider the posts held by Mr. Deepak Angra and Smt. Anita Joshi, as clear vacancies and denial of such position by the respondents is clearly dehors the provisions contained in para 16.23 (supra).

18. Accordingly, we find no merit in this appeal and the same is accordingly dismissed, leaving the parties to bear their own costs.”

The matter was further taken up with the Law Department for their advice and as per the advice of Law Department the SLP(C) Dairy No. 36905/2025 Registered/listed on 03.11.2025 and the Hon'ble Apex Court has passed following order as under:-

“ Delay condoned.


After hearing learned counsel, we see no reason and ground to interfere with the order impugned. Accordingly, the special leave petition is dismissed. Pending application(s), if any, shall stand disposed of.”



In compliance to above orders of the Hon'ble Apex Court and Hon'ble High Court, the order/judgement dated 14.05.2024 in the above referred case is hereby implemented by promoting Sh. Vibhor Kumar Sharma, Senior Lecturer (Civil Engineering) to the post of Head of Department (Civil Engg.) w.e.f. 23.09.2023 when the other incumbents were promoted to the post of Head of Department, in the pay scale level 24 in pay matrix as per Rules 3(j) of Himachal Pradesh Civil Services (Revised Pay) Rules, 2022 (The pre-revised pay scale of the post of Rs. 15600-39100+7800GP Grade Pay) on regular basis.

He is directed to join his duties at Govt. Polytechnic, Sundernagar, Distt. Mandi against vacancy. The above promotion orders shall be effective from the date of his joining. In case he fail to join at his new place of posting on promotion within 05 days, he is liable to be reverted without assigning any reason or opportunity of being heard or whatsoever.

The above mentioned officer shall also exercise option for fixation of his pay under the provisions of FR-22, within a period of one month from the date of issue of this order.

 15/11/25
(Ashish Singhar)

Secretary (Tech. Edu.) to the
Government of Himachal Pradesh

No. EDN(TE)E(1)28/2023

Dated Shimla-171002, the 15th November, 2025.

Copy forwarded for information and necessary action to :-

1. The Pr. Accountant General (Audit), H.P., Shimla-171003.
2. The Accountant General(A&E), H.P., Shimla-171003.
3. The Ld. Advocate General, State of Himachal Pradesh w.r.t. Ex. Petition No. 766/2025 CWP No. 8098/2023-titled as Vibhor Kumar Sharma Vs State of H.P. with the request to appraise the Hon'ble High Court accordingly.
4. The Director, Technical Education, H.P., Sundernagar, District Mandi, H.P. with the request to apprise the Hon'ble High Court accordingly.
5. The Principal, Govt. Polytechnic, Sundernagar, Distt. Mandi, Himachal Pradesh.
6. Sh. Vibhor Kumar Sharma, Senior Lecturer (Civil Engg.) Govt. Polytechnic, Sundernagar, Distt. Mandi, Himachal Pradesh.



(Suneel Sharma)
Special Secretary (Tech. Edu.) to the
Government of Himachal Pradesh