

No. EDN-HE(19)B(15)-Internal/2020
Directorate of Higher Education
Himachal Pradesh, Shimla-1.

Dated: Shimla-171001, the

November, 2025

To

The Secretary (Education)
to the Govt. of Himachal Pradesh
Shimla-171002

Subject: - CWP No. 10714/2023-titled as Dr. Uttam Chand V/s State of HP & Anr.

Sir,

I have the honour to refer to your office letter No. EDN-A-Kha(7)15/2016-Loose-I dated 12-11-2025 on the subject cited above. In this regard please find enclosed the list of inquiries of this Directorate pending for more than 90 days. This is for information and further action please.

Encl: as above.

Guard file.

Endst. No. even

dated: as above.

Yours faithfully,


Director Hr. Education,
Himachal Pradesh

Copy for information and further action to **(through official website):**

1. The Deputy Director of Higher Education of HP with a copy of above said orders for compliance please.
2. The Principal all Govt. Colleges in HP with a copy of above said orders for compliance please.

शिक्षा निदेशालय उच्चतर

22 NOV 2025

शिमला-1


Director Hr. Education,
Himachal Pradesh



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 10714 of 2023

Decided on: 24.09.2024

Dr. Uttam Chand

..... petitioner

Versus

State of H.P. & Another

respondents

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether ap proved for reporting? ¹

For the petitioner : Mr. Sanjeev Bhushan, Sr. Advocate, with Mr. Sohail Khan, Advocate.

For the respondents : Mr. Gautam Sood, Deputy Advocate General.

Bipin Chander Negi, Judge (oral)

The present petition has been filed by the petitioner, seeking the following substantive relief:

i) That an appropriate writ, order or directions may kindly be issued, and the respondents may kindly be directed to promote the petitioner to the post of Principal on and w.e.f. 23.08.2023 when his juniors were promoted, with all consequential benefits of pay, arrears, seniority etc. and the arrears may be ordered to be paid alongwith the interest @ 9% p.a in the interest of law and justice.

3. Admitted facts in the case at hand are that a memorandum was issued to the petitioner on 15th March, 2017. The departmental proceedings in pursuance to the aforesaid memorandum continued till 21.06.2024. It is vide order dated 21.06.2024 that the respondent decided to drop the charge-sheet issued against the petitioner.

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

3. Subsequent thereto, the petitioner was promoted to the post of Principal (College Cadre) vide notification dated 09.07.2024 on a notional basis w.e.f. 23.08.2023 i.e. date from which the juniors to the petitioners have been promoted and on actual basis w.e.f. the date of joining, as such, on the post of Principal (College Cadre).

4. The apex Court in Prem Nath Bali vs. Registrar High Court of Delhi and another (2015) 16 SCC 415, has deprecated the practice of conducting departmental inquiries in perpetuity.

Relevant extract whereof is being reproduced hereinbelow:-

"28. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavour to conclude the departmental enquiry proceedings once initiated against the delinquent employee within reasonable time by giving priority to such a proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time-frame then efforts should be made to conclude within the reasonably extended period depending upon the cause and the nature of inquiry but not more than a year."

5. During the pendency of the present petition vide notification dated 18.09.2024 appended alongwith the present paper book at page 57, the petitioner has been accorded regular benefits w.e.f. 23.08.2023 with all consequential benefits instead of notional benefits as had been previously accorded to the petitioner vide order dated 21.06.2024.

6. Continuing an inquiry for an indefinite period in the case at hand is highly depreciable. What is bothersome is that

when the petitioner filed the present petition, a reply thereto was filed, wherein the long pending inquiry since 2017 was dropped. Further rather than releasing actual benefits, benefits were accorded to the petitioner initially on a notional basis.

7. For no valid reason, the petitioner in the case at hand has been denied actual officiation as a principal (College Cadre) since 23.08.2023, when his junior were promoted. Litigation in the case at hand has unnecessarily been thrust upon the present petitioner.

7. Though during the pendency of the petition, notification dated 18.09.2024 was issued whereby actual benefits w.e.f. 23.08.2023 have been accorded in favour of the petitioner and in view thereof, the present petition could have been closed but taking into account the aforementioned facts and attending circumstances, the respondents are warned to be careful in the conduct of departmental proceedings in future. This order be brought to the notice of the concerned secretary.

Accordingly, the present petition is disposed of in the aforesaid terms, so also, pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

September 24, 2024
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