

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18286/2018

(Arising out of impugned judgment and order dated 31-08-2017 in LPA No. 110/2011 in CWP No. 5104/2010 passed by the High Court of Himachal Pradesh at Shimla)

STATE OF HIMACHAL PRADESH &amp; ORS.

Petitioner(s)

VERSUS

SURENDER KUMAR PARMAR

Respondent(s)

Date : 06-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Arman Roop Sharma, Adv.  
Ms. Shimpay Sharma, Adv.  
Ms. Shivangi Goel, Adv.  
Mr. Sandeep Jindal, AOR

For Respondent(s) Dr. Sushil Balwada, AOR  
Mr. Bishwender Singh, Adv.  
Mr. Sandiv Kalia, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

Heard Ms. Shivangi Goel, learned counsel appearing for the State of Himachal Pradesh. Also heard Mr. Bishwender Singh, learned counsel appearing for the respondent.

2. In order to assail the judgment passed in favour of the respondent by the High Court granting him the benefit of two pay upgradation on completion of 12/24 years service, the State counsel would argue that the financial upgradation under the Assured Career Progression Scheme should only be counted against regular vacancies in the higher cadre.

3. On the other hand, learned counsel for the respondent would point out that the respondent has superannuated on 31.01.2010 after serving for 28 years in the same post without the benefit of a single promotion.

4. The judgment by the learned Single Judge and also by the Division Bench are perused and the reasoning given by the High Court are considered. As seen, the respondent was deprived of promotion in his entire service career. The High Court also noted that the employer never offered any promotion and it is nobody's case that the respondent was ineligible for such promotion.

5. In the above circumstances, this Special Leave Petition is found devoid of merit and the same is dismissed.

6. The interim order (dated 11.07.2018) merges with the final order. If consequential benefits have not been given to the respondent, the same is ordered to be remitted within eight weeks from today.

7. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR