IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.6948 of 2025
Reserved on:-09.09.2026
Decided on 30th September 2026

Hemant Sharma

…Petitioner

Vs.

High Court of Himachal Pradesh and another

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting? Yes

For the petitioner: **Mr. Adarsh Kumar Vashishta, Advocate.**

For the respondents : **Ms. Devyani Sharma, Senior Advocate with Mr. Abhishek Dulta, Advocate, for respondent No.1.**

Mr. Piyush Verma, Senior Advocate, with Mr. Ajay Sharma, Advocate, for respondent No.2.

Ajay Mohan Goel, Judge

By way of this writ petition, the petitioner has, inter alia, prayed for the following reliefs:-

> *"i) That a writ in the nature of certiorari may kindly be issued for quashing the impugned "The Himachal Pradesh High Court Officers and the Members of the Staff (Recruitment, Promotion, Conditions of Service, Conduct and Appeal) 22nd Amendment Rules, 2024" to the extent where in it is provided that "member of erstwhile establishment of Tribunal, who has gained any promotion, after joining the High Court, shall continue to hold seniority of the promotional post, as from the date*

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of promotion" as unconstitutional or in the alternative, the same may very kindly be read down as violative of Part III of the Constitution of India.

ii) That a writ in the nature of certiorari may kindly be issued for quashing the impugned circular dated 22.04.2025 (Annexure P-22) to the extent whereby the name of the petitioner has been reflected at Sr. No.1 in the cadre of Assistant Registrars and the impugned rejection of the objections of the petitioner dated 23/4/2025 Annexure P-23 may very kindly be ordered to be quashed and set aside.

iii) That writ of mandamus may kindly be issued for directing the respondent No.1 to treat the petitioner as Deputy Registrar along with all the pay and allowances attached to the said post."

2. The case of the petitioner is that he was appointed as a Translator in the establishment of respondent No.1 on 27.05.2000. He joined as such on 30.05.2000. Thereafter, he was promoted as Revisor on 09.01.2009 and against the post of Section Officer on 10.03.2011. The petitioner was further promoted as an Assistant Registrar on 05.05.2015. According to the petitioner, respondent No.1 has framed The Himachal Pradesh High Court Officers and the Members of the Staff (Recruitment, Promotion, Conditions of Service, Conduct and Appeal) Rules, 2015 (hereinafter referred to as 'the 2015 Rules'). As per the said Rules, an Assistant Registrar in the pay scale of Rs.15600-39100+7600 Grade Pay + 2500 Secretarial

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Pay was eligible for promotion against the post of Deputy Registrar and accordingly, the petitioner was promoted as Deputy Registrar vide notification dated 01.09.2023.

3. The grievance of the petitioner arises from Annexure P-13, notification dated 10.07.2024, in terms whereof, vide (the Himachal Pradesh High Court Officers and Members of the Staff (Recruitment, Promotion, Conditions of Service, Conduct and Appeal) 22nd Amendment Rules, 2024, a new Sub-Rule (e) was added in Rule 10 of 2015 Rules to the following effect:-

> *"The seniority of members of establishment, absorbed from the erstwhile establishment of Himachal Pradesh Administrative Tribunal, shall be as from the date of their joining the High Court. Their inter se seniority shall be as it was in the erstwhile Tribunal. As on the date of their joining the High Court, they shall be placed immediately below the junior most member of the establishment of High Court, holding the post, as on the said date. Member of erstwhile establishment of Tribunal, who has gained any promotion, after joining the High Court, shall continue to hold seniority of the promotional post, as from the date of promotion."*

4. As per the petitioner, respondent No.2 was working in the establishment of the erstwhile Himachal Pradesh Administrative Tribunal and was promoted as a Court Master in her own cadre on 28.04.2016 in terms of Annexure P-14.

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Further, as per the petitioner, despite the fact that respondent No.2 was promoted as a Court Master, in terms of Annexure P-15, she was transferred and posted as Assistant Registrar (Accounts) in the erstwhile Himachal Pradesh Administrative Tribunal.

5. After the closure of the erstwhile Tribunal, respondent No.2 along with others joined the establishment of the Registry of respondent No.1 vide order dated 02.01.2020 Annexure P-16. According to the petitioner, erroneously in terms of order dated 02.01.2020, the respondent No.2 was referred as Assistant Registrar, despite the fact that her substantive post was of Court Master, in terms of promotion order 28.04.2016. Respondent No.2 was promoted in her own cadre as a Deputy Registrar vide notification dated 05.01.2023, Annexure P-17 in the High Court. It is further his case that as per the final seniority list of employees of the erstwhile Himachal Pradesh Administrative Tribunal as on 04.05.2019, respondent No.2 figured in the seniority list of Assistant Registrars/Court Masters at Serial No.1 as a Court Master and at Serial No.2 in the combined seniority list. It is further his case

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that after the 22nd Amendment was incorporated in the 2015 Rules, respondent No.1 circulated a tentative seniority list of Deputy Registrars vide circular dated 31.08.2024, in which, the name of the petitioner figures at Serial No.5. A copy of the tentative seniority list is placed on record as Annexure P-19. This seniority list was followed by issuance of revised combined tentative seniority list, which was circulated on 12.12.2024 (Annexure P-20) as on 06.12.2024 and in the said list, the name of the petitioner figures at Serial No.1 in the seniority list in the cadre of Assistant Registrars, despite the fact that the petitioner stood promoted as Deputy Registrar on the basis of his eligibility vide notification dated 01.09.2023. According to the petitioner, the modification in the status of the petitioner was made in the revised tentative seniority list without following the due process, as no notice was issued to him.

6. The petitioner submitted his objections to this tentative seniority list vide Annexure P-21 dated 23.12.2024.

7. Further, as per the petitioner, on 22.04.2025, respondent No.1 circulated the final seniority list, wherein, the position which existed in the tentative seniority list, was

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finalized and his name was reflected in the cadre of Assistant Registrars. A copy of the final seniority list is placed on record as Annexure P-22.

8. It is further the petitioner's case that the final seniority list contains a specific stipulation that the objections received to the tentative seniority list were decided by the Authorities. The rejection of the objections of the petitioner against the revised combined tentative seniority list was communicated to him on 23.04.2025. It is under these circumstances that the petitioner has approached this Court praying for the reliefs already mentioned hereinabove.

9. Learned counsel for the petitioner argued that the amendment incorporated by the 22nd Amendment in the 2015 Rules, to the extent it provides that a member of erstwhile establishment of Tribunal, who has gained any promotion after joining the High Court, shall continue to hold seniority of the promotional post, as from the date of promotion, be declared as unconstitutional or alternatively, it may be read down as violative of Part-III of the Constitution of India. He argued that Annexure P-22, i.e., circular dated 22.04.2025, in terms

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whereof, the name of the petitioner has been reflected at Serial No.1 in the cadre of Assistant Registrars and the rejection of the objections of the petitioner be also quashed and set aside, with further direction to respondent No.1 to treat the petitioner as Deputy Registrar for all intents and purposes.

10. Learned counsel submitted that the impugned amendment was *per se* illegal as it took away the seniority of a member of the establishment of the High Court on one hand and conferred seniority on the member of the erstwhile Himachal Pradesh Administrative Tribunal without any rationale. He submitted that the result thereof was that an incumbent like respondent No.2, who otherwise was junior to the petitioner, had arbitrarily become senior to him and this denied the petitioner his legitimate right of promotion to the post of Deputy Registrar.

11. Learned counsel also argued that the act of the employer of converting the promotion of the private respondent from Court Master to that of Assistant Registrar while she was on the establishment of the erstwhile Himachal Pradesh Administrative Tribunal was also bad in law.

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12. On the other hand, learned Senior Counsel for respondents No.1 and 2 opposed the writ petition. Learned Senior Counsel appearing for respondent No.1 submitted that the case of the petitioner was completely misconceived. She submitted that after the abolition of the Himachal Pradesh Administrative Tribunal, in terms of communication dated 05.11.2019 issued by the Chief Secretary, to the Government of Himachal Pradesh, the surplus employees of Himachal Pradesh Administrative Tribunal, which also included respondent No.2, were transferred to the High Court of Himachal Pradesh along with their existing posts in terms of Annexure R-1/K. She argued that in terms of Annexure R-1/K, respondent No.2 was holding the post of Assistant Registrar in the erstwhile Himachal Pradesh Administrative Tribunal and she was transferred to the establishment of the High Court as an Assistant Registrar along with the said post and designation. She submitted that Annexure P-16, i.e., communication dated 02.01.2020, was issued in compliance to communication dated 05.11.2019 and incidentally, in this writ petition, there is no challenge to communication dated 05.11.2019 or

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communication dated 02.01.2020. Learned Senior Counsel further submitted that the petitioner was fully aware of the placement and seniority of respondent No.2 in the tentative seniority list Annexure P-19, which was issued by respondent No.1, in terms whereof, respondent No. 2 was placed at Serial No.2 in the cadre of Deputy Registrars and the petitioner was mentioned at Serial No.5. She submitted that the 22nd Amendment which was carried out in the Rules expressly protected the promotion of respondent No.2 which she had gained after joining the High Court. The petitioner did not raise any objection thereto at the relevant time, which amounts to acquiescence on the part of the petitioner. She submitted that the petitioner admittedly had not filed any objections to the said tentative seniority list, purportedly, as he was under this belief that his seniority would be corrected as was stated in the petition, which as per respondent No.1 again amounted to acquiescence to the existing seniority position. Learned Senior Counsel argued that the challenge was raised by the petitioner only after his promotion was withdrawn to the post of Deputy Registrar, which was done, as the promotion of

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the petitioner to the said post was in violation of the prescribed 2:2:1 ratio for promotion to the post of Deputy Registrar from the feeder categories. Learned Senior Counsel submitted that the slot for promotion from the cadre of Assistant Registrar to the post of Deputy Registrar stood exhausted when respondent No.2 was promoted to the post of Deputy Registrar on 05.01.2023, i.e., much before the promotion of the petitioner and, therefore, as the petitioner was promoted in violation to the quota to the said post, the retention of the petitioner against the post of Deputy Registrar would have violated the prescribed ratio and it is in this backdrop that he was reflected as holding the post of Assistant Registrar in the revised list. She also argued that the petitioner never disputed the designation of respondent No.2 as Assistant Registrar in the objections filed by him. Learned Senior Counsel also argued that the reversion of the petitioner was an outcome of the strict application of the 2:2:1 ratio for the post of Deputy Registrar which was prescribed *vis-a-vis* the feeder categories under the R&P Rules, as it stood explained in the reply and therefore, she submitted that as there was no merit in the present petition, the same was liable to be dismissed.

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13. Learned Senior Counsel appearing for respondent No.2 adopted the arguments addressed by learned counsel for respondent No.1 and in addition, argued that in the erstwhile Administrative Tribunal, the posts of Court Masters and Assistant Registrars were of the same grade and interchangeable. Respondent No.2 was posted as Assistant Registrar (Accounts) in the erstwhile Tribunal vide order dated 13.04.2018. He argued that it was incorrect that respondent No.2 was erroneously mentioned as an Assistant Registrar in office order dated 02.01.2020 and submitted that office order dated 02.01.2020 was never challenged by the petitioner earlier nor it was under challenge in the proceedings before this Court. Respondent No.2 was serving as an Assistant Registrar and she was rightly absorbed on the establishment of respondent No.1 against the post of Assistant Registrar. He argued that respondent No.2 was promoted as a Deputy Registrar vide order dated 05.01.2023, while the petitioner was still serving against the post of Assistant Registrar. No objection was ever raised by the petitioner against the said promotion of respondent No.2.

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14. Both the learned Senior Counsel for respondent No.1 as well as respondent No.2 submitted that the 22nd Amendment, which was under challenge, could not be termed to be ultra vires. Both of them submitted that in terms of the said amendment, an employee of the erstwhile Administrative Tribunal was placed last in the seniority of the post in issue, which was being held by the incumbent when the said incumbent was transferred and posted on the establishment of the High Court. They submitted that this protected the seniority of the existing incumbents of the relevant post of High Court establishment. They submitted that an incumbent already on the establishment of the High Court, who might have been posted a week or month ago on the post, be it by way of appointment or promotion etc., was made senior to an erstwhile employee of the Himachal Pradesh Administrative Tribunal by virtue of the said Rule, though, the employee of the erstwhile Tribunal might have been serving on the post in issue may be for years or decades. They submitted that this amendment was equitable and just, as it not only protected the seniority of the members of the establishment of the High Court, but clearly

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provided that those who were absorbed from the Tribunal in the cadre, would be placed last in seniority. It thereafter gave limited protection to the members of the erstwhile Tribunal who, after their absorption on the establishment of the High Court, gained promotion, by providing that as far as their said seniority is concerned, the same shall be as from the date of their promotion. They submitted that this also was not arbitrary or discriminatory because, obviously, the incumbent, who was to be promoted next in the said cadre would always be junior to the incumbent who had already gained promotion against the post and therefore also, the contention of the petitioner was totally unfounded. Accordingly, they urged that as there is no merit in the petition, the same be dismissed.

15. Before proceeding further, this Court would like to refer to certain orders which were passed by this Court in this case.

16. On 28.4.2025, the following order was passed in the case:-

> *"Notice returnable within four weeks to the respondents, on taking steps within two days, be issued.*
>
> *List for consideration, as prayed, before the appropriate Bench on 03.06.2025.*

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CMP No. 8904/2025

Notice in aforesaid terms.

Till next date, no consequential order in furtherance to seniority list (Annexure P-22), circulated vide circular dated 12.12.2024, shall be passed against the applicant/petitioner.

List for consideration alongwith the main petition before the appropriate Bench on 03.06.2025.

17. Thereafter, on 03.06.2025 and 16.07.2025, the following orders were passed:-

"As per office report, respondents have been served. Counsel for respondent No.1 prays for time to file reply. List on 16th July, 2025. Till then, interim order to continue."

''We have been informed that the petitioner has superannuated on 31st May, 2025. Accordingly, we modify the order dated 28.04.2025, to the extent that the retiral dues of the petitioner shall be considered on the post of Deputy Registrar, subject to the further orders to be passed in this petition. Respondents are at liberty to fill-up the post in question from which the petitioner has superannuated. List on 1st September, 2025. In the meantime, reply by the respondents be also filed."

18. We have heard learned counsel for the petitioner as also learned Senior Counsel for the respondents.

19. The petitioner herein has primarily prayed for the quashing of the 22nd Amendment to the 2015 Rules qua him and also the quashing of impugned circular dated 22.04.2025 (Annexure P-22) and the rejection of his objections vide Annexure P-23, dated 23.04.2025.

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20. This Court shall deal with the prayers of the petitioner independently.

21. Before this, a brief mention of the facts, which as per the petitioner, have necessitated the filing of this case is as under.

22. The petitioner joined the service of the High Court as a Translator on 30.05.2000. He was promoted against the post of a Revisor on 09.01.2009. Thereafter, he was promoted as a Section Officer on 10.03.2011 and against the post of Assistant Registrar vide notification dated 05.05.2015. He was promoted against the post of Deputy Registrar vide notification dated 01.09.2023 (Annexure P-10).

23. On the other hand, respondent No.2 was serving against the post of Assistant Registrar in the erstwhile Himachal Pradesh Administrative Tribunal, when the said Institution was abolished. She was merged on the establishment of respondent No.1 as an Assistant Registrar and was thereafter promoted against the post of Deputy Registrar, in terms of the order passed by Registrar General of respondent No.1 dated 05.01.2023 (Annexure P-7). Thus, whereas, respondent No.2

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was promoted against the post of Deputy Registrar from the post of Assistant Registrar vide notification dated 05.01.2023, the petitioner was promoted against the post of Deputy Registrar vide notification dated 01.09.2023. In other words, respondent No.2 was born on the cadre of Deputy Registrar much before the petitioner, who at the relevant time was serving as an Assistant Registrar.

24. It is a matter of record that no challenge was laid to the said promotion of respondent No.2 against the post of Deputy Registrar by the petitioner at the time when respondent No.2 was promoted as such. It is also a matter of record that vide Annexure P-19, circular dated 31.08.2024, after the 22nd Amendment was notified by the Registry vide notification dated 10.07.2024, a combined tentative seniority list of all the employees of the High Court Registry as well as erstwhile Himachal Pradesh Administrative Tribunal was issued and the employees were directed to go through the said tentative list and file their objections thereto. In the said tentative seniority list, in the cadre of Deputy Registrars, the petitioner was reflected at Serial No. 5 and respondent No.2 was reflected at

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Serial No.2. It is a matter of record that no objections were preferred thereto by the petitioner. The above conduct of the petitioner demonstrates that he was not aggrieved by the seniority position, which was assigned to respondent No.2 in the tentative seniority list, in terms whereof, the respondent No.2 was placed above him in the cadre of Deputy Registrars.

25. Thereafter, in continuation of circular dated 31.08.2024, again a revised combined tentative seniority list was issued vide Annexure P-20 dated 12.12.2024, in which the name of the petitioner was removed from the cadre of Deputy Registrars and his name was mentioned in the cadre of Assistant Registrars.

26. To this, he objected vide Annexure P-21. Thereafter, in terms of Annexure P-22, the final seniority list was issued, in which, again the name of respondent No.2 was reflected at Serial No.2 in the cadre of Deputy Registrars and the name of the petitioner was reflected at Serial No.1 in the cadre of Assistant Registrars. Vide Annexure P-23, the petitioner was informed that his objections against the revised combined tentative seniority list were considered and rejected.

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27. Now, in the backdrop of the facts which have been mentioned hereinabove, this Court would dwell on the contention of the petitioner assailing the vires of the 22nd Amendment Rules incorporated in the 2015 Rules.

28. Annexure P-13 is notification dated 10.07.2024, in terms whereof an amendment was incorporated in the 2015 Rules and in Rule 10 of the existing Rules, whereby sub-rule (e) was added, which reads as under:-

> *"The seniority of members of establishment, absorbed from the erstwhile establishment of Himachal Pradesh Administrative Tribunal, shall be as from the date of their joining the High Court. Their inter se seniority shall be as it was in the erstwhile Tribunal. As on the date of their joining the High Court, they shall be placed immediately below the junior most member of the establishment of High Court, holding the post, as on the said date. Member of erstwhile establishment of Tribunal, who has gained any promotion, after joining the High Court, shall continue to hold seniority of the promotional post, as from the date of promotion."*

29. In terms of the said new sub-rule, the seniority of the members of the establishment absorbed from the erstwhile establishment of Himachal Pradesh Administrative Tribunal was to be considered from the date of their joining the High Court and their inter-se seniority was to be as it was in the erstwhile Tribunal. This sub-rule further provided that as on the date of

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their joining the High Court, such incumbents were to be placed immediately below the junior-most member of the establishment of High Court holding the post as on the said date. The sub-rule further provided that member of the erstwhile establishment of Tribunal, who had gained any promotion after joining the High Court, shall continue to hold seniority to the promotional post as from the date of promotion.

30. By virtue of the introduction of the 22nd Amendment, firstly, it was provided that the inter-se seniority of the erstwhile members of the establishment of the Himachal Pradesh Administrative Tribunal was to be as it was in the erstwhile Tribunal and further, as on the date of their joining the establishment of the High Court, they were to be placed immediately below the junior-most member of the establishment of the High Court holding the post on the said date. The new sub-rule, thus, protected the seniority of the incumbents who were on the establishment of the High Court as on the date when the members of the erstwhile establishment of Himachal Pradesh Administrative Tribunal joined the High Court. In other words, the members of the

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establishment of the erstwhile Tribunal on their joining the establishment of the High Court, lost their entire seniority in the cadre and were placed junior-most in the respective cadre in the High Court. Thus, a person, who might have been holding the post for 10 years in the Tribunal, was yet placed junior-most in the same cadre on the establishment of the High Court and an incumbent, who might have joined the establishment of the High Court in that particular cadre, be it by way of direct recruitment or promotion, just a day or a month before the joining of the member of the erstwhile Tribunal, became senior to him.

31. This, as observed hereinabove, protected the seniority of the existing members of the establishment of the High Court so that there was no heart-burn that the members of the establishment of the Tribunal stole a march in seniority upon the existing incumbents of the establishment of the High Court.

32. However, while protecting the seniority of the members of the cadre of the High Court as on the said date, the new sub-rule also provided that if after joining the

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establishment of the High Court, the member of the erstwhile establishment of the Tribunal had gained any promotion in the High Court, then, such an incumbent shall continue to hold the seniority of the promotional post as from the date of promotion. Now, this also was not prejudicial to the interest of the existing incumbents of the establishment of High Court because, obviously, on promotion, an incumbent of the erstwhile Tribunal was to be placed as junior-most in the promoted cadre. The only protection which was given, was that an incumbent of the High Court establishment, who gained promotion subsequent to the incumbent of the Tribunal was not to steal a march over such an incumbent.

33. We do not find any arbitrariness or illegality or perversity in this provision. Applying it to the facts of this case, admittedly, respondent No.2, gained promotion to the post of Deputy Registrar in terms of Annexure P-17, vide notification dated 05.01.2023. On the other hand, the petitioner was promoted to the post of Deputy Registrar vide notification dated 01.09.2023, that is much after respondent No.2 stood promoted to the said post vide notification dated 05.01.2023, which promotion of his was subsequently withdrawn.

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34. Now, as has been observed hereinabove also, the promotion of respondent No.2 against the post of Deputy Registrar from the post of Assistant Registrar vide notification dated 05.01.2023 was not challenged by the petitioner. Why so, it is for the petitioner to best explain.

35. Once respondent No.2 stood promoted to the post of Deputy Registrar on 05.01.2023, obviously, she was born in the cadre of Deputy Registrar on the establishment of the High Court w.e.f. 05.01.2023.

36. Thus, the 22nd Amendment which has been incorporated in the 2015 Rules in the year 2024, only protects the promotion of the private respondent as from the date when she was promoted against the post of Deputy Registrar, that too, by a notification issued by the learned Registrar General of the High Court of Himachal Pradesh. It is obvious that anyone who is thereafter promoted against the post of Deputy Registrar will have to be reflected below respondent No.2 against the post of Deputy Registrar and qua this, there can't be any qualms.

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37. In the backdrop of what has been explained hereinabove, this Court does not find any illegality or perversity in the 22nd Amendment carried out in the 2015 Rules. This amendment does not prejudice an incumbent of the High Court establishment, who is or was already holding the promotional post when the incumbent from the erstwhile establishment of Tribunal was promoted to the said post on the establishment of the High Court.

38. The challenge to the 22nd Amendment by the petitioner is answered accordingly against the petitioner.

39. Now coming to the second issue, i.e., the quashing of impugned circular dated 22.04.2025 (Annexure P-22), we would like to firstly observe that when initially respondent No.1 issued a combined tentative seniority list vide circular dated 31.08.2024 of all the employees of High Court Registry as well as erstwhile Himachal Pradesh Administrative Tribunal, in which respondent No.2 was placed above the petitioner in the cadre of Deputy Registrar, no objections were filed thereto by the petitioner, meaning thereby that he was not aggrieved by the placement of respondent No.2 above him in the cadre of Deputy Registrars.

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40. That being so, in our considered view, later on, he is estopped/precluded from at least assailing the seniority of respondent No.2 in the cadre of Deputy Registrar over and above him.

41. Now, as far as the issue of the petitioner thereafter being reflected in the cadre of Assistant Registrars in the revised tentative seniority list and final seniority list is concerned, in terms of the reply which has been filed by the High Court, it is mentioned that this was necessitated by the fact that the promotion of the petitioner to the post of Deputy Registrar was withdrawn due to the violation of prescribed 2:2:1 ratio for promotion to the post of Deputy Registrar from the feeder categories of Secretaries, Court Masters and Assistant Registrars.

42. In terms of the reply filed by respondent No.1, as per the amended Rules, promotion to the post of Deputy Registrar from the feeder categories was to be made by rotation in the following sequence:-

"One Secretary, one Court Master, one Secretary, one Court Master, and one Assistant."

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43. It is the stand of respondent No. 1 that when the petitioner was promoted to the post of Deputy Registrar on 01.09.2023, the slot for promotion from the cadre of Assistant Registrar already stood exhausted by Ms. Sheela Sood, who belonged to the establishment of erstwhile Administrative Tribunal and was promoted against the post of Deputy Registrar on 05.01.2023. Therefore, the subsequent promotion of the petitioner to the post of Deputy Registrar also from the cadre of Assistant Registrar was beyond the quota of the cadre. This has been so stated in preliminary submission No.4 of the reply in detail as under:-

> *"That the petitioner was fully aware of respondent No.2's placement and seniority, as reflected in the first tentative seniority list, wherein respondent No.2 was placed at serial No.2 and the petitioner at serial No.5 in the cadre of Deputy Registrars. Despite the 22nd Amendment to the R&P Rules, 2015, which expressly protected the promotion of respondent No.2 after her joining the High Court, the petitioner did not raise any objection at the relevant time, thereby waiving his right to do so. The petitioner's failure to object, despite being aware that such placement would trigger a percolation effect, indicates tacit acceptance of respondent No. 2's seniority.*
>
> *In fact, in his objections to the revised tentative seniority list, the petitioner admitted that he had not objected earlier as he believed he was rightly placed, which reinforces his acquiescence to the existing seniority position. His subsequent challenge, raised only after his promotion was withdrawn due to violation of the*

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prescribed 2:2:1 ratio for promotion to the post of Deputy Registrar, is thus barred by the principle of acquiescence.

In this context, it is pertinent to refer to the representation/objections submitted by Sh. Hemant Sharma, the petitioner herein, wherein he sought protection of his promotional seniority and retention on the post of Deputy Registrar. However, his request could not be accepted in view of the amended R&P Rules and the mandatory operation of the rotation ratio of 2:2:1, as laid down for promotion to the post of Deputy Registrar. As per the amended Rules, promotions must be made in rotation from the feeder categories in the following sequence: one Secretary, one Court Master, one Secretary, one Court Master, and one Assistant.

Sh. Hemant Sharma was promoted to the post of Deputy Registrar on 01.09.2023, when the pre-amendment rules were in force, and after the ratio had already been exhausted. However, following the amendment, the slot for promotion from the cadre of Assistant Registrar stood exhausted by Smt. Sheela Sood, who belonged to the erstwhile Administrative Tribunal and was promoted to the post of Deputy Registrar on 05.01.2023, i.e., prior to the petitioner's promotion. As per the amended Rules, her promotional seniority is to be protected.

Consequently, the retention of the petitioner on the post of Deputy Registrar would violate the prescribed ratio and cause a cascading effect on the promotional avenues of other feeder cadres. Therefore, in strict compliance with the amended R&P Rules, Sh. Hemant Sharma is to be reflected as holding the post of Assistant Registrar, and the subject post of Deputy Registrar is now required to be filled from the cadre of Court Masters, in accordance with the ongoing rotation. Copy of the relevant portion of the R&P Rules, 2015 prescribing the ratio of 2:2:1 for promotion to the post of Deputy Registrar is annexed herewith and marked as Annexure R1-C."

44. Rejoinder to this para by the petitioner is as under:-

"That in reply to the contents of para 4, it is respectfully submitted that the petitioner has raised a grievance, when his right was adversely affected."

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45. Thus, it is evident and apparent that the stand of respondent No.1 that the petitioner was erroneously promoted to the post of Deputy Registrar from the post of Assistant Registrar, as the promotional quota of Assistant Registrar already stood exhausted earlier, has not been disputed by the petitioner.

46. In fact, in the entire petition, there is no challenge by the petitioner to his demotion from the post of Deputy Registrar to the post of Assistant Registrar.

47. Simple challenge to the final seniority list in which the petitioner is reflected in the cadre of Assistant Registrars, without actually assailing his demotion from the post of Deputy Registrar to the post of Assistant Registrar, does not suffice the purpose.

48. Besides this, the petitioner has again and again raised the issue that respondent No.2 was promoted as a Court Master in her own cadre in the Himachal Pradesh Administrative Tribunal and that she was erroneously thereafter posted against the cadre of Assistant Registrar in the erstwhile Tribunal. However, there is no challenge to this in this petition in the prayer clause.

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49. Otherwise also, we have our serious doubts as to whether the petitioner would have any locus to challenge the same, but, de hors this fact, fact of the matter remains that there is no challenge to the action of the Authorities of the erstwhile Administrative Tribunal in terms whereof, the private respondent was placed in the cadre of Assistant Registrars vide Annexure P-15 order dated 13.04.2018, by way of an office order issued by the Hon'ble Chairman of the Himachal Pradesh Administrative Tribunal, Shimla.

50. In the backdrop of the above observations made by this Court, we do not find any illegality either with impugned circular dated 22.04.2025 (Annexure P-22) or the rejection of the objections vide Annexure P-23.

51. Accordingly, in light of the above discussions, as we do not find any merit in the present petition, the same is dismissed.

52. However, because the petitioner was given certain protection by this Court vide order dated 28.04.2025, 03.06.2025 and also 16.07.2025, we observe that as the

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petitioner has been considered for retiral dues as having superannuated from the post of Deputy Registrar, this benefit given to the petitioner shall not be rescinded by respondent No.1. The petitioner shall be given retiral dues by deeming him to have superannuated from the post of Deputy Registrar.

53. The petition stands disposed in above terms, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 30, 2026
(Vinod)

High Court of H.P.

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