

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Civil Writ Petition No.269 of 2023 a/w
CWP Nos.813, 1190, 1381, 2309, 3227, 3840, 4193, 7136,
7859 of 2023, 2113, 3075, 4925, 4926 and 7044 of 2024**

Date of Decision: 30.12.2025

1. CWP No.296 of 2023

Sh. Joginder Chand	Versus	Petitioner
State of Himachal Pradesh and Others		Respondents

2. CWP No.813 of 2023

Mastan Pathania	Versus	Petitioner
State of Himachal Pradesh and Others		Respondents

3. CWP No.1190 of 2023

Vijay Kumar and Others	Versus	Petitioners
State of Himachal Pradesh and Others		Respondents

4. CWP No.1381 of 2023

Narotam Chand	Versus	Petitioner
State of Himachal Pradesh and Others		Respondents

5. CWP No.2309 of 2023

Surinder Singh	Versus	Petitioner
State of Himachal Pradesh and Others		Respondents

6. CWP No.3227 of 2023

Hans Raj	Versus	Petitioner
State of Himachal Pradesh and Others		Respondents

7. CWP No.3840 of 2023

Davinder Singh		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

8. CWP No.4193 of 2023

Neelam Kumari		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

9. CWP No.7136 of 2023

Ramesh Chand		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

10. CWP No.7859 of 2023

Kehar Singh		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

11. CWP No.2113 of 2024

Parkash Chand		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

12. CWP No.3075 of 2024

Jagdish Kumar		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

13. CWP No.4925 of 2024

Sunil Dutt		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

14. CWP No.4926 of 2024

Chattar Singh		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

15. CWP No.7044 of 2024

Kartar Singh		Petitioner
	Versus	
State of Himachal Pradesh and Others		Respondents

*Coram****Hon'ble Mr. Justice Sandeep Sharma, Judge.****Whether approved for reporting?*

For the Petitioner(s): Mr. Ajay Sharma and Mr. Loveneesh Kanwar, Senior Advocates, with Mr. Atharv Sharma, Mr. Tek Chand, Mr. Lakshay Parihar, Mr. Rupesh Kumar, Advocates, for the petitioner(s), in the respective petitions.

For the Respondents: Mr. Rajan Kahol, Additional Advocate General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State.

Mr. Sanjeev Sood, Mr. Mukul Sood, Mr. Het Ram Thakur and Mr. Rahul Gathania, Advocates, for respondents No.2 & 3/Temple Trust.

Sandeep Sharma, J. *(Oral)*

Since common questions of fact and law are involved in all the above captioned cases, this Court after having clubbed the same, heard them together and are now being disposed of vide common judgment.

2. Precisely, the grouse of the petitioners, as has been highlighted in the petitions and further canvassed by their respective counsel is that since their appointments in the temple-Trust were prior to promulgation of 2001 Rules and at that time, Rules of 1991 were in force, wherein age of superannuation was 60 years, they all ought to have been retired at the age of 60 years and besides pension under EPF Scheme, they are entitled to the benefits of CPF also.

3. To the contrary, respondent-Trust by way of filing replies to the petitions has claimed that since at the time of retirement of the petitioners, Rule of 2001 were in force, whereby there was a specific provision to retire an employee at the age of 58 years, no illegality can be said to have been committed by the respondents by retiring the petitioners at the age of 58 years.

4. During proceedings of the case, Mr. Mukul Sood, learned counsel representing the respondent-Trust made available a copy of the judgment dated 21.03.2014 passed by the Coordinate Bench of this Court in CWP No.2696 of 2013, titled as ***Hari Dass Vs. State of H.P. and Others***, wherein it came to be specifically ruled that petitioner therein, who was also claiming to be governed by 1991 Rules, shall be entitled to all retiral benefits in accordance with 2001 Rules.

5. Mr. Mukul Sood, learned counsel representing respondent-Trust, while referring to afore Rules, submitted that 2001 Rules were promulgated in supersession of 1991 Rules and as such, employees working at the time of promulgation of such Rules are necessarily governed by these Rules.

6. Having carefully perused judgment rendered by Coordinate Bench of this Court in *Hari Dass* (supra), this Court finds merit in the contention of Mr. Mukul Sood, learned counsel representing respondent-Trust. Since it is not in dispute that judgment rendered in *Hari Dass* (supra) has attained finality and also stands implemented in the case of petitioner in that case, this Court is bound by the same.

7. At this stage, Mr. Ajay Sharma, learned Senior Counsel, submits that besides there being issue of retirement age, petitioners herein have also raised issue with regard to CPF. True it is that petitioners have also raised issue with regard to their entitlement to CPF which has been provided in 2001 Rules, but there appears to be merit in the contention of Mr. Mukul Sood, learned counsel representing respondent-Trust that petitioners herein cannot be permitted to claim that as far as their age of retirement is concerned, same be governed by 2001 Rules and for the purpose of CPF, they may be directed to be governed by the 1991 Rules.

8. Since petitioners herein have already retired during the pendency of the writ petitions, coupled with the fact that they have also received amount under the EPF, there appears to be no justification to go into the question of entitlement, if any, of them qua the CPF, especially when in *Hari Dass* case (supra), Coordinate Bench of this Court has already held that all retiral benefits shall be disbursed in accordance with 2001 Rules, which admittedly have been promulgated in supersession of 1991 Rules.

9. It is also not in dispute that petitioners on account of their having contributed towards the EPF must be getting pension, but under EPF Rules. Needless to say, employer/employee can opt for one Scheme, either EPF or CPF, but certainly cannot claim benefits under both the Schemes. Since petitioners herein are already in receipt of pension under EPF, they cannot claim benefit under CPF Scheme.

10. At this stage, Mr. Mukul Sood, learned counsel representing respondent-Trust, made available communication dated 28.12.2025 issued under the signatures of Temple Officer, Trust BBN Temple Deotsidh, District Hamirpur, along with Notification dated 15.02.2025, issued by Deputy Commissioner Hamirpur-cum-Commissioner Baba Balak Nath Temple Trust, Deotsidh, District Hamirpur, to state that Employees Welfare Fund Rules, 2025, have been notified for the employees of Shree Baba Balak Nath Temple

Trust Deotsidh, District Hamirpur, subject to the condition that whole expenditure shall be borne by the Temple Trust from its own resources. He states that as per aforesaid documents, detailed hereinabove, petitioners shall also be entitled to pension, quantum whereof is yet to be notified by separate notifications.

11. Consequently, in view of the above, all the above captioned cases are disposed of in light of judgment passed by Coordinate Bench of this Court in *Hari Dass* (supra), but petitioners shall be entitled to pension under the Employees Welfare Fund Rules, 2025, notified vide Notification dated 15.02.2025. Since some of the petitioners continued to serve the Temple Trust up to the age of 60 years, pursuant to interim orders passed by this Court, this Court wishes to observe that amount received by them during aforesaid period shall not be recovered, especially when it is not in dispute that during aforesaid period, they have rendered their services.

Pending application(s), if any, shall also stand disposed of.

December 30, 2025

(Rajeev Raturi)

**(Sandeep Sharma),
Judge**