

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Ex. Pet No.1947 of 2025

Decided on: 29.12.2025

Shresta Devi

...Petitioner

Versus

CSK HP Krishi Vishvavidyalaya

...Respondent

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioners:

Mr. Bonit Prakash, Advocate vice
Mr. A.K.Gupta, Advocate.

For the respondents:

Mr. Janesh Mahajan, Advocate.

Jyotsna Rewal Dua, Judge

Following order was passed in the matter on
15.12.2025:-

“Respondent has filed the compliance affidavit appending therewith consideration order dated 18.03.2025, rejecting the case of petitioner for grant of pension/family pension.

2. *In terms of the consideration order, petitioner’s husband had to his credit 8 years, 9 months and 22 days of regular service at the time of his superannuation on 31.08.2009. Additionally, he had served for 8 years, 5 months and 2 days as a daily wage employee (w.e.f. 1993 to 2000). Clearly, in terms*

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes*

of the decision rendered in Sunder Singh Versus The State of Himachal Pradesh & Ors.², five years daily wage service rendered by the petitioner's husband was to be computed as one year regular service. This one year of regular service when put in the kitty of regular service rendered by petitioner's husband, makes his regular service at 9 years, 9 months and 22 days.

Prima-facie, it appears that in view of Sunder Singh¹, as explained in Balo Devi & others Versus State of Himachal Pradesh and others³, service rendered by petitioner's husband qualifies for pension under the CCS (Pension) Rules, 1972. It also appears that respondent had not applied due mind while passing the consideration order. The consideration order appears to have been issued mechanically, without due regard to the law and the decisions governing the field, which were directed to be kept in mind while deciding the case of the petitioner.

Before proceeding any further, at the request of learned counsel for the respondent, a week's further time is granted to respondent to come up with fresh consideration order, failing which, respondent shall remain present in the Court on the next date.

List on 26.12.2025."

2. Pursuant thereto, learned counsel for the respondent has placed on record fresh consideration order passed by the respondent on 19.12.2025. Relevant portion of which, reads as under:-

² Civil Appeal No.6309 of 2017, decided on 08.03.2018

³ Civil Appeal No.4792 of 2022, decided on 18.07.2022

“And whereas, by giving the weightage of one year on account of five years DPL service, thus completing qualifying service 09 years, 09 months and 22 days and the entire period is now covered under Rule 49(1) of CCS (Pension) Rules, 1972 in terms of Rule 49(3) of the CCS (Pension) Rules, 1972, thereby the husband of the petitioner is held entitled for pension and the petitioner is thus eligible for the family pension;

Now therefore, since the petitioner's husband had expired on 19.02.2024, hence the petitioner is entitled for the family pension w.e.f. 20.02.2024.”

3. Respondent assures that follow up action on the basis of aforesaid order shall be taken up within six weeks.

4. Taking note of fresh consideration order, present execution petition is disposed of.

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

Jyotsna Rewal Dua
Judge

December 29, 2025

R.Atal