

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20724 of 2025

Decided on: 30th December, 2025

Meena

.....**Petitioner**

Versus

State of H.P. and another

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Bonit Thakur, Advocate vice
Mr. A.K. Gupta, Advocate.

For the Respondents: Mr. L.N. Sharma, Additional Advocate
General.

Jyotsna Rewal Dua, Judge

Notice. Mr. L.N. Sharma, learned Additional
Advocate General, appears and waives service of notice on
behalf of the respondents.

2. In view of the impugned order & the facts
delineated therein, the settled legal position as also the
order being passed hereinafter, reply to the writ petition is
not required to be called for from the respondents. With the
consent of learned counsel for the parties, the matter is
heard at this stage.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

3. Petitioner had instituted ***Meena Versus State of H.P. and Others***² seeking direction to the respondents to consider her case for release of pension/family pension taking note of ***Sunder Singh Versus The State of Himachal Pradesh & Ors.***³. The writ petition was disposed of with direction to the respondents to consider and decide the case of the petitioner keeping in view the law laid down in *Sunder Singh*³.

Pursuant to the directions issued in *Meena*², respondent No.2-Deputy Commissioner, Shimla considered the case of the petitioner and vide office order dated 28.11.2025 (Annexure P-1), rejected it with the finding that her case is not similarly situated as that of *Sunder Singh*³. That the petitioner does not fulfill mandatory qualifying service required for grant of pension under the CCS (Pension) Rules, 1972.

4. The impugned office order itself records that petitioner's late husband-Sh. Sis Ram had rendered 08 years, 01 month and 28 days of regular service. That he had also rendered 08 years of daily wage service. The impugned office order also acknowledges that in view of law

² CWP No.9453 of 2025, decided on 06.06.2025

³ Civil Appeal No.6309 of 2017, decided on 08.03.2018

laid down in *Sunder Singh*³, 08 years of daily wage service rendered by petitioner's husband is to be computed equivalent to one year of regular service and in this manner, total regular service falling to the credit of petitioner's husband would become 09 years, 01 month and 28 days. Respondent No.2, however, did not hold the petitioner eligible for grant of family pension on the ground that total qualifying service to the credit of petitioner's husband was 09 years, 01 month and 28 days, i.e. less than 10 years of service required in terms of Rule 49 of CCS (Pension) Rules, 1972. A reading of the impugned office order makes it apparent that the authority concerned did not appreciate in proper perspective the law laid down in *Sunder Singh*³, as explained in ***Balo Devi & others Versus State of Himachal Pradesh and others***⁴.

In *Sunder Singh*³, Hon'ble Apex Court held that w.e.f. 01.01.2018, the appellants (therein) or other similarly placed Class-IV employees will be entitled to pension, if they have been duly regularized and have completed eligible service for more than ten years. Daily wage service of five years will be treated equal to one year of regular service for pension. If on that basis, their service is more than eight

⁴ Civil Appeal No.4792 of 2022, decided on 18.07.2022

years but less than ten years, then their service will be reckoned as ten years. Relevant para from the decision is as under:-

“6. Accordingly, we direct that w.e.f 01.01.2018, the appellants or other similarly placed Class-IV employees will be entitled to pension if they have been duly regularized and have been completed total eligible service for more than 10 years. Daily wage service of 5 years will be treated equal to one year of regular service for pension. If on that basis, their services are more than 8 years but less than 10 years, their service will be reckoned as ten years.”

The above was further clarified in *Balo Devi*⁴ as under:-

“We find it difficult to accept the submission of Mr. Patwalia. If the submission is accepted, the last line of paragraph 6 would lose any significance or meaning. The intent of this Court was quite clear that:-

- (a). The services rendered as a regular employee may first be computed.*
- (b) To the service as rendered to above, the component at the rate of one year of regular service for every five years of service as a daily wager, be added.*
- (c) If both the components as detailed in Paras a & b hereinabove, take the length of service to a level of more than eight years but less than ten years, in terms of last sentence of paragraph 6 of the Order, the services shall be reckoned as ten years.”*

Respondent No.2, being the high-ranking officer, is expected to be aware of the settled legal position governing release of pension/family pension.

5. In view of above settled legal position, *prima facie*, it appears that petitioner’s husband had requisite

service to his credit to enable the petitioner to earn family pension. Hence, the impugned office order dated 28.11.2025 (Annexure P-1) is quashed and set aside, subject to costs of Rs.5000/- to be paid to the petitioner. Fresh consideration order in light of law laid down in **Sunder Singh³** and **Balo Devi⁴** as also the observations made hereinabove, be now passed within a period of four weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

December 30, 2025
Mukesh

Jyotsna Rewal Dua
Judge