

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

**CWP No.20488 of 2025
Decided on: 24.12.2025**

Kulbhushan Rehalia

...Petitioner

Versus

State of H.P. and Anr.

...Respondents

Coram

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

¹ *Whether approved for reporting?*

For the petitioner:

Mr. Ashil Bhushan, Advocate.

For the respondents:

Mr. Anup Rattan, Advocate General
with Mr. Vishwadeep Sharma,
Additional Advocate General.

Sushil Kukreja, Judge (oral)

The only grievance of the petitioner that has been highlighted at this stage is centered towards counting the contractual service rendered by him, followed by regularization as qualifying service for the purpose of 'pension'. This relief has been claimed in light of law laid down in ***State of H.P. & Anr. Vs. Sheela Devi***².

The aforesaid decision was followed in **S.D.**

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

² SLP(C) No. 10399/2020 decided on 07.08.2023

Jayaprakash & Ors. etc. Vs. The Union of India & Ors.³.

2. Learned counsel for the petitioner has also invited attention to a decision rendered in **Ram Chand & Ors. Vs. State of H.P. & Ors.⁴**, whereby, the petitioners/appellants (therein) were held entitled to count their contractual service for purpose of pensionary benefits as well as annual increments for the said period with consequential benefits, but restricting the actual consequential benefits for three years prior to the filing of the writ petitions. The operative part of the judgment reads as under:-

“39. Accordingly, judgment passed by learned Single Judge is modified with observation that reasoning assigned for deciding CWPOA No.5187 of 2020, shall be *Mutatis mutandi* applicable to the present matter also and appellants shall be entitled for counting their contract service for the purpose of pensionary benefits as well as annual increments for the said period with all consequential benefits, but restricting actual consequential financial/benefits to three years prior to filing of the writ petition.

40. Due and admissible benefits shall be released to the appellants within a period of four months from today. Needless (to say that benefits given beyond three years prior to filing of writ petitions shall be extended to them on notional basis.”

³ Civil Appeal No(s). 5671-5672 of 2025, decided on 29.04.2025

⁴ LPA No.232 of 2024, decided on 02.09.2024

The aforesaid decision was assailed by the State of Himachal Pradesh in ***State of Himachal Pradesh & Ors. Vs. Ram Chand and Ors.***⁵, wherein, the Hon'ble Apex Court vide order dated 04.04.2025 stayed the impugned directions insofar as they related for counting the contractual service for grant of annual increments. Impugned directions for counting contractual service for the purpose pension, however, were not stayed. The order passed by Hon'ble Apex Court reads as under:-

"Delay Condoned.

Issue notice, returnable in four weeks.

In the meanwhile, the direction passed by the High Court in the impugned order to count increments shall remain stayed."

Similar interim orders have been passed by the Hon'ble Apex Court in large number of Special Leave Petitions (Civil) preferred by the State of Himachal Pradesh in such like matters.

3. In view of above, at this stage, learned Advocate General submits that the respondents-State shall proceed for considering the case of the petitioner for grant of pension by computing the contractual service rendered by him as

⁵ SLP (C) Diary No(s). 8008 of 2025

qualifying service for the purpose of pension in light of *Sheela Devi*² subject to petitioner's furnishing fresh options in accordance with law, within a period of two months from today, whereafter all consequential action based upon law laid down in *Sheela Devi*² shall follow.

4. In view of above submission made by learned Advocate General, the impugned orders passed in the individual cases contrary to above submissions and position of law, are set-aside. Contractual service rendered by the petitioner followed by regularization be computed as qualifying service for purpose of pension in accordance with *Sheela Devi*² & *Ram Chand*⁵. This exercise be completed within three months from today. Petitioner shall be at liberty to seek appropriate remedy, at an appropriate stage for the redressal of his surviving grievances, if any, in accordance with law, in case necessity so arises in future.

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

(Sushil Kukreja)
Judge

December 24, 2025
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