

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4193 of 2025

Decided on: 30.09.2026

Amar Dass	...	Petitioner
Versus		
State of Himachal Pradesh and others	...	Respondents

Coram

Hon’ble Mr. Justice Ajay Mohan Goel, Judge.

Hon’ble Mr. Justice Yogesh Jaswal, Judge.

Whether approved for reporting?¹

For the petitioners:	M/s Subhash Mohan Snehi and Niranjana, Advocates.
For the respondents:	Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 and 2. Mr. Mukul Sood, Advocate, for respondent No.3.

Ajay Mohan Goel, Judge (Oral)

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

- “i). That writ of certiorari may kindly be issued, quashing and setting aside the proviso to clause 6 (1) of the Notification dated 25.04.2000 (Annexure P-5), since the same is contradictory and detrimental/violative of civil rights and fundamental rights of the petitioner to get the pension, as enshrined under Article 14, 16 and 21 of the Constitution of India.
- (ii). That writ of mandamus may kindly be issued, directing the respondents to grant pension to the petitioner as per Rule 49 (3) of the provisions of CCS (Pension) Rules, 1972, immediately from the next date of retirement of the petitioner from the services of the respondent Corporation, with all consequential benefits.”

2. The petitioner is assailing a Notification which was issued on 25.04.2000, copy whereof is appended with the petition as Annexure P-5. Further, prayer of the petitioner is for grant of pension immediately from the date of the retirement of the petitioner in the year 1999. This writ petition has filed in the year 2025 and in terms of the affidavit filed by the petitioner in support of the petition,

¹ Whether reporters of the local papers may be allowed to see the judgment?

his age was 86 years at the time of filing of the petition. On a query put to the learned counsel for the petitioner as to how the petitioner justifies the delay in challenging the Notification, which has been assailed after almost 25 years, learned counsel submitted that it is a recurring cause of action and earlier petition was allowed to be withdrawn with liberty to file the present one. With respect, we do not concur with the submission made by the learned counsel for the petitioner. Notification in question was issued on 25.04.2000 and after date of issuance thereof, it was in public domain. The cause of action, if any, accrued in favour of the petitioner when said Notification was issued and he should have challenged the same within some reasonable period of time. This not having been done by the petitioner, simply because the issue relates to the grant of pension, now he cannot be allowed to agitate the validity of said Notification after a period of 25 years of its issuance. In fact, the petitioner, as per the averments made in the writ petition, retired from service of the respondent- Corporation on 31.03.1999. The impugned Notification was issued thereafter, i.e. on 25.04.2000. Therefore, obviously the impact of the said Notification on the retiral rights of the petitioner accrued immediately on the issuance of the Notification and the petitioner obviously would have felt an impact immediately thereafter. However, it is a matter of record that the challenge thereto has been made by the petitioner after 25 years. In the entire writ petition, there is no averment made to justify this long delay in approaching the Court.

3. In the course of going through the petition, we have also perused order dated 18.12.2024, which was passed by the learned Single Judge in CWP No.6954 of 2024, titled Amar Dass Vs. State of H.P. & others, in terms whereof, the earlier petition filed by the petitioner was withdrawn by him on the plea that he intended to lay challenge to the proviso to Clause 6 (1) of the Pension Rules, which have been assailed by way of this petition. However, fact of the matter still remains that challenge thereto has been made almost after 25 years. Not only this, while dismissing the earlier petition filed by the petitioner as withdrawn, learned Single Judge did not expressly grant any liberty to the petitioner to file a fresh petition on the same cause and all that was observed, was that it was for the petitioner to seek appropriate remedies in accordance with law before an appropriate Forum. We again reiterate that in light of the fact that the petitioner has not been able to justify the long delay in assailing the Notification under challenge, the present petition is dismissed on the ground of delays and laches. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 30, 2026
(Rishi)