

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.7847 of 2026 a/w
CWPs No.7845, 7848 and 7849 of 2024
Decided on: 23.06.2026

<u>CWP No.7847 of 2026</u>		
Desh Raj		... Petitioner
Versus		
State of Himachal Pradesh and others		... Respondents
<u>CWP No.7845 of 2026</u>		
Ganga Ram		... Petitioner
Versus		
State of Himachal Pradesh and others		... Respondents
<u>CWP No.7848 of 2026</u>		
Babu Ram		... Petitioner
Versus		
State of Himachal Pradesh and others		... Respondents
<u>CWP No.7849 of 2026</u>		
Ramesh Chand		... Petitioner
Versus		
State of Himachal Pradesh and others		... Respondents

Coram
Hon’ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?¹

For the petitioner:	Mr. Manohar Lal Sharma, Advocate, for the petitioner(s), in all the petitions.
For the respondents:	Mr. Rajat Chauhan, Assistant Advocate General, for respondents No.1 and 2, in all the petitions. Mr. Ajay Chauhan, Advocate, for respondent No.3, in all the petitions.

Ajay Mohan Goel, Judge (Oral)

As similar issues of facts and law are involved in all these petition, the same are being disposed of vide common

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

judgment. For the purpose of brevity, this Court shall be referred to the averments made in CWP No.7847 of 2024, as also the documents appended therewith.

2. The petitioners herein are all retired employees of Municipal Council Nahan, who retired as Class-IV employees. They have approached this Court, praying for issuance of directions to the respondents to pay the arrears of revision of pay scale w.e.f. 01.01.2026 to 30.11.2016 alongwith interest as also revised pension, commutation, gratuity, DCRG and Leave Encashment.

3. When this case was listed on 13.05.2026, the following order was passed:-

“After having heard learned counsel for the parties, this Court is of the considered view that as it is not in dispute that the petitioner is entitled for the revised pension etc. with effect from 1.1.2016, the right of the petitioner to receive the same cannot remain in oblivion because of the indecisiveness on the part of the respondents herein, as to who has to bear the burden of the expenses of revision of pay-scale. Primarily, this Court is of the considered view that it is the Principal Employer, who has to bear the burden.

On the request of learned counsel for the respondent-Corporation, list on 23.6.2026.”

4. Today, learned Assistant Advocate General handed over instructions received from Director, Urban Development, which read as under:-

“Kindly refer to Hon’ble Court order dated 01.06.2026

passed on the subject cited above.

In this regard, it is submitted that in pursuance to this office correspondence made vide letter dated 21.01.2023 and 16.03.2023, the matter regarding release of revised pension/family pension to the eligible pre-2016/post-2016 pensioners/family pensioners of Urban Local Bodies was submitted to the State Govt. for according approval.

Now the matter was examined at Govt. level and vide letter dated 02.06.2026 (Copy enclosed) "conveys approval of the Government for the revision of pension/family pension of pre-2016/post-2016 pensioners/family pensioners of ULBs w.e.f. 01.01.2016 subject to the condition that the State Govt. will not provide any financial assistance for this purpose." In pursuance to ibid Govt. letter, further directions has been issued vide letter dated 04.06.2026 (copy enclosed) issued to all the Urban Local Bodies constituted in the State including petitioners municipalities wherefrom they stand retired, regarding preparing the revision of pension/family pension cases of pre-2016/post-2016 pensioners/family pensioners of ULBs after completing all the codal formalities and get the same finalized from this office. This process i.e., fixation of pension etc on the basis of revised pay-scale, may take some more time to finalize the petitioners' pension cases properly,

In view of above, it is therefore, requested to place the above facts before the Hon'ble High Court as and when present COPC will be listed for further hearing on 23.06.2026 or thereafter please."

Alongwith these instructions, two communications, i.e. communication dated 02.06.2026, from Principal Secretary Urban

Development, to the Government of Himachal Pradesh and communication dated 04.02.2026, from Director, Urban Development, Himachal Pradesh, to the Commissioners of various Municipal Corporations and the Executive Officers of Municipal Councils in Himachal Pradesh are appended, which read as under:-

'Communication dated 02.06.2026'

"I am directed to refer the subject cited above and to convey approval of the Government for revision of pension / family pension of pre/post 2016 pensioners/ family pensioners of ULB's w.e.f. 01.01.2016 subject to the condition that the State Government will not provide any financial assistance for this purpose.

You are, therefore, requested to take further necessary action in the matter accordingly."

'Communication dated 04.06.2026'

"On the subject cited, it is intimated that Pr. Secretary (UD) to the Govt. of H.P. vide letter No. UD-E(3)-17/2025 dated 02.06.2026 has conveyed approval of the Government for revision of pension/family pension of Pre/Post 2016 pensioners/family pensioners of ULBs w.e.f. 01.01.2016 subject to the condition that the State Government will not provide any financial assistance for this purpose.

Keeping in view of above approval of the Govt., the pension/family pension cases of Pre/Post-2016 pensioners/family pensioners of Urban Local Bodies are required to be revised in accordance with provisions contained in OM No. Fin (Pen)A(3)-1/2021-Part-I dated 25.02.2022 and OM No. Fin.(Pen) A(3)-1/2021 dated 08.09.2022 (Photocopies enclosed for ready reference).

In view of the above, it is therefore, requested to prepare

the pension cases in respect of Pre-2016 pensioners/family pensioners and Post-2016 pensioners/family pensioner of your municipality on the prescribed Form and sent the same to this office in consolidated manner by deputing the concerned Dealing Assistant in this Directorate, so as to finalize the pension/family pension cases at the earliest possible.

A proforma to facilitate for preparation of revision of pension/family pension cases in respect of Pre-2016 pensioners/family pensioners is enclosed herewith for your Information and necessary action in the matter.”

5. In light of these communications, as now it is no more in dispute that the benefit of revision etc. to incumbents like the petitioners stands approved by the State Government, but with the condition that no financial assistance in this regard shall be provided, these petitions are disposed of with the direction that the benefit accruable to the petitioners, shall be make good to the petitioners by the Municipal Council, Nahan within a period of three months from today. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

June 23, 2026
(Rishi)