

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.7457 of 2019 a/w CWPOA Nos.3112, 5018, 6221 of 2019 and CWP Nos.1644, and 3374 of 2020 and CWP Nos.168, 969 and 3649 of 2022.

Decided on: 16th July, 2026

1. CWPOA No.7457 of 2019

Balwinder Kaur

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

2. CWPOA No. 3112 of 2019

Pancham Singh and others

...Petitioners

Versus

State of Himachal Pradesh and others

...Respondents

3. CWPOA No. 5018 of 2019

Alka

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

4. CWPOA No. 6221 of 2019

Tilak Raj

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

5. CWP No. 1644 of 2020

Avinesh Kumar and others

...Petitioners

Versus

State of Himachal Pradesh and others

...Respondents

6. CWP No. 3374 of 2020

Sushma Kumari

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

7. CWP No. 168 of 2022

Rajeshwar Singh

...Petitioner

Versus

State of Himachal Pradesh and another

...Respondents

8. CWP No.969 of 2022

Rajesh Sehgal

...Petitioner

Versus

State of Himachal Pradesh and another

...Respondents

9. CWP No. 3649 of 2022

Raj Kumar and others

...Petitioners

Versus

State of Himachal Pradesh and others

...Respondents

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Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner(s): Mr. Adarsh K. Vashista, Mr. Nitin Thakur and Mr. Avinash Jaryal, Advocates, in the respective petitions.

For the respondents: Mr. Anup Rattan, Advocate General with Mr. Vishav Deep Sharma, Additional Advocate General, in all the petitions.

Jiya Lal Bhardwaj, Judge *(Oral)*

By way of these petitions, the petitioners have prayed that a direction be issued to the respondents to hold the petitioners entitled to grant of pension and contribution to GPF in view of CCS (Pension) Rules, 1972 alongwith consequential benefits.

2. After filing the writ petitions, the respondents-State has now issued office memorandum dated 09.07.2026, whereby a decision has been taken that the Government servants, who have been appointed against the posts or vacancies, which were advertised/notified for recruitment/appointment prior to 15.05.2003, may be given one-time option for coverage under

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

the CCS (Pension) Rules, 1972 and the said option shall be exercised by the covered Government servant latest by 31.10.2026.

3. Learned counsel representing the petitioners have submitted that since in their cases, the process was initiated for recruitment to the posts or vacancies prior to 15.05.2003, their cases are covered as per the office memorandum dated 09.07.2026 and they would be satisfied in case the respondents-State is directed to consider their claims as per the *ibid* office memorandum dated 09.07.2026.

4. Learned Advocate General representing the respondents-State has not disputed the issuance of the office memorandum dated 09.07.2026 and further canvassed before the Court that in case, the cases of the petitioners are covered under the office memorandum, in view of the fact that the process of their recruitment was initiated prior to 15.05.2003 to fill up the posts or vacancies, they shall be given the benefit of office memorandum.

5. In view of the above position, once the respondents-

State has now taken a call in the matter and has further decided to cover all the petitioners, who have been appointed, though after 15.05.2003, however, the recruitment process was initiated prior to 15.05.2003, the petitions deserve to be allowed with a direction to the respondents-State to consider the claim of the petitioners strictly in terms of the office memorandum dated 09.07.2026 and in case the petitioners opt to be covered under the Old Pension Scheme and exercise such option by 31.10.2026, their cases shall be considered and they shall be granted the benefit within a period of three months thereafter. In case, the petitioners give option to be covered under the Old Pension Scheme, the Pension Fund Regulatory and Development Authority (PFRDA), E-500, Tower E, 5th Floor World Trade Centre, Nauroji Nagar, New Delhi-110029/competent authority, is directed to remit the amount either to the individual accounts of the petitioners or to the accounts of the State Government, so that they may take consequential steps to cover the petitioners under the Old Pension Scheme and the petitioners shall be entitled to all benefits as granted to the

persons, who are already covered under the Old Pension Scheme, in terms of the office memorandum dated 09.07.2026.

6. The petitions are accordingly disposed of. No order as to costs. Pending application(s), if any, shall also stand disposed of.

16th July, 2026
(*ankit*)

(Jiya Lal Bhardwaj)
Judge