

**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWPOA No.6766 of 2019
Decided on: 16.09.2026.

Sukhi Devi Petitioner

Versus

State of Himachal Pradesh and Ors.

....Respondents

Coram :

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting?*

For the petitioner : Mr. Dixit Sahotra, Advocate vice Mr. Sanjeev K. Suri, Advocate.

For the respondents: Mr. Rahul Thakur, Deputy Advocate General.

Ranjan Sharma, Judge

Petitioner, Sukhi Devi, filed an Original Application No. 486 of 2016, before Learned State Administrative Tribunal; and upon abolition of Tribunal the matter stands re-transferred to this Court, as CWPOA 6766 of 2019, seeking the following reliefs:

- (i) "That the respondents may kindly be directed to count the service of the applicant rendered as Nursery trained Teacher against the post of J.B.T. w.e.f. 06.07.1998 till 07.07.2006 for the purpose of pensionary benefits

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

under the provisions of GPF and for annual yearly increment alongwith arrears.

- ii) That the respondents may kindly be directed to refix the pay of the applicant with all consequential benefits.”

FACTUAL MATRIX :

2. Case, as set up, by Learned Counsel, is that after passing Nursery Trained Teacher's Course, petitioner was appointed against the post of JBT in the year 1998, on contract basis and her contractual appointment was renewed from time to time and her services were regularized, on the post of JBT, on 01.04.2006. In above backdrop, the petitioner has claimed benefit of continuous and uninterrupted service rendered as JBT, followed by regularization, for purposes of pensionary benefits, with prayer to grant pensionary benefits, with all consequential benefits.

**STAND OF STATE AUTHORITIES IN REPLY-
AFFIDAVIT :**

3. Upon issuance of notice on 01.03.2016, the Respondents have filed a Reply-Affidavit dated 22.08.2016, of Director Elementary Education, Himachal Pradesh.

3(i) Reply/Affidavit indicates that Government framed Himachal Pradesh Nursery Trained Teachers Scheme, 1997 as per [Annexure R-1]. Reply indicates that the petitioner was initially appointed against the post of JBT under Nursery Trained Teachers Scheme [supra], on a fixed honorarium at the rate of Rs. 1,500/- per month, for 10 months on 06.07.1998 [Annexure A-1], and she joined as such in Government Primary School, Dhalwari, in Education Block Gagret-II on 28.08.1998. Reply-Affidavit indicates that the services of the petitioner were regularized w.e.f. 01.04.2006.

3(ii) Reply-Affidavit further indicates that though petitioner had served, against the post of JBT, on contract basis, till her regularization, but the benefit of contractual service cannot be granted to the petitioner for pensioner benefits, for the reason, that the CCS (Pension) Rules ceased to apply to government servants, who were appointed

on or after 15.05.2003 and since the petitioner was appointment on regular basis w.e.f. 01.04.2026, therefore, the petitioner was not entitled for counting of contractual service followed by regular service as qualifying service, for pensionary benefits. Reply-Affidavit state that, even as per Rule 2, benefit of contractual service is not admissible to the petitioner. In this backdrop, the claim of the petitioner was opposed by the State Authorities.

4. Heard, Mr. Dixit Salhotra, Learned Counsel for the petitioners and Mr. Rahul Thakur, Deputy Advocate General for the Respondents-State.

5. During the course of hearing, Learned Counsel for the petitioner, places reliance on the judgment dated 22.09.2023 passed in CWPOA No. 2075 of 2020, titled as **Santosh Kumari vs. State of Himachal Pradesh and Others**, to assert that in an identical fact-situation, the petitioner Santosh Kumari therein, who possessed similar Nursery Trained Teachers Qualification, and was appointed against post of JBT, on contract basis and was subsequently granted a Special JBT Certificate and was thereafter

regularized, was extended benefit of counting of continuous contractual service, followed by regular service by treating entire service as qualifying service for pensionary benefits, and the case of the petitioner, is squarely covered in terms of the said judgment.

STATEMENT BY LEARNED COUNSEL FOR PETITIONER :

6. Learned Counsel for the petitioner submits that petitioner shall be satisfied, in case, the Respondents are directed to examine the claim of the petitioner in terms of the judgment passed by a Coordinate Bench of this Court, in the case of **Santosh Kumari** [supra], as the facts, in instant case are *pari materia* to the facts of aforesaid case [Statement taken on record].

7. Per contra, Learned State Counsel submits that State Authorities shall examine the claim of petitioner in light of the judgment, in the case of **Santosh Kumari** [supra], in case, the judgment has attained finality and subject of the applicability of the said judgment, in facts of instant case.

DIRECTIONS :

8. Considering the factual matrix and the prayer made by Learned Counsel for the petitioner, and leaving all questions open, this Court disposes of the instant petition, in the following terms:

- (i) State Authorities shall examine the claim of the petitioner for grant of pensionary benefits, in the light of the judgment in the case of **Santosh Kumari** [supra] and in accordance with law;
- (ii) Upon consideration, in case, the petitioner is found similarly situated as in the case of **Santosh Kumari** [supra], then, necessary admissible eligible benefits, if any, including pensionary benefits, shall accrue to petitioner also;
- (iii) State Authorities shall complete the necessary exercise in terms of direction (i) and (ii) above, within six weeks and not later than 06.11.2026;
- (iv). Needless to say, that this Court has neither adverted to the rival claim and contentions nor adjudicated the issue on merits, which shall be examined by the State Authorities hereinafter, in accordance with law;
- (v) Parties to bear respective costs.

In aforesaid terms, the writ petition and all pending miscellaneous applications, if any, shall stand disposed of, accordingly.

(Ranjan Sharma)
Judge

September, 16, 2026
(Anita)