

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.15055 of 2026

Decided on: 7th October, 2026

Ramesh Chand

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. R.L. Chaudhary, Advocate.

For the Respondents: Mr. Rajat Choudhry, Assistant Advocate
General.

Jyotsna Rewal Dua, Judge

Petitioner's grievance is that he had superannuated on 30.06.2012, but pension was allowed to him only w.e.f. 01.01.2018. According to him, pension is admissible to him from the date of his superannuation.

2. Noticing petitioner's grievance, learned Additional Advocate General was directed to have instructions as to why pension was released to the petitioner only w.e.f. 01.01.2018 and not from 30.06.2012,

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.

i.e. the date of his retirement. Following order was passed in this regard on 02.09.2026:-

“Notice. Mr. Y.P.S. Dhaulta, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

Petitioner has grievance to the office order dated 16.12.2025 (Annexure P-2) to the extent it allows him pension w.e.f. 01.01.2018. According to the petitioner, he had superannuated on 30.06.2012, therefore, pension is admissible to him from the date of his superannuation.

Let learned Additional Advocate General to have instructions as to why pension has been released in petitioner’s favour only from 01.01.2018 and not from 30.06.2012. Instructions be placed on record on the next date of hearing.

List on 30.09.2026.”

The order passed on the next date of hearing, i.e. 30.09.2026, reads as under:-

“Learned Deputy Advocate General has placed on record office instructions dated 29.09.2026 from the Executive Engineer, Jal Shakti Division, Larji. These office instructions do not give any justification for restricting payable pension arrears to the petitioner w.e.f. 01.01.2018 and not from his date of superannuation, i.e. 30.06.2012.

At the request of learned Deputy Advocate General, the matter is adjourned to 07.10.2026 to enable him to have fresh instructions in the matter.”

3. Learned Assistant Advocate General has placed on record office instructions dated 05.10.2026 from the Executive Engineer, Jal Shakti Division, Larji, *inter alia*, conveying that:-

- Petitioner had previously instituted CWP No.1481 of 2020, which was decided on 07.10.2025, directing the respondents to consider the case of the petitioner for grant of pension after taking into consideration the work charge service rendered by him alongwith regular service keeping in view the law laid down in ***Sunder Singh Versus The State of Himachal Pradesh & Ors.***², wherein, it was specifically ruled that 05 years daily wage service shall be treated as one year regular service.

- Judgment dated 07.10.2025 passed in CWP No.1481 of 2020 directed consideration of petitioner's pension case in terms of *Sunder Singh*², as clarified by the Hon'ble Apex Court in ***Balo Devi & others Versus State of Himachal Pradesh and others***³ and subsequently applied for Class-III employees as well in ***Roop Lal Versus State of H.P. & Others***⁴.

- Petitioner was engaged as daily wage Work Inspector in June 1994. He completed 240 days of service in a calendar year w.e.f. the year 1995 onwards. His services were regularized in the year 2007 as per the

² Civil Appeal No.6309 of 2017, decided on 08.03.2018

³ Civil Appeal No.4792 of 2022, decided on 18.07.2022

⁴ LPA No.196 of 2022, decided on 11.10.2023

applicable policy. Petitioner was also granted work charge status w.e.f. 01.01.2003 on completion of eight years of service in terms of ***Rakesh Kumar Versus State of H.P. & ors.***⁵. He superannuated on 30.06.2012.

- Total regular service plus work charge service rendered by the petitioner upto his superannuation was 09 years and 06 months, which fell short of requisite 10 years qualifying service under Rule 49 of the CCS (Pension) Rules, 1972. Benefit of weightage of daily wage service was granted to the petitioner in terms of *Sunder Singh*² and accordingly, his pension was sanctioned from 01.01.2018.
- The office instructions have also highlighted para 6 of the decision in *Sunder Singh*², in terms of which, not only the petitioner therein, but other similarly placed Class-IV employees were also held entitled for pension w.e.f. 01.01.2018. The para reads as under:-

“Accordingly, we direct that w.e.f. 01-01-2018, the appellants or other similarly placed Class-IV employees will be entitled to pension if they have been duly regularized and have been completed total eligible service for more than 10 years. Daily wage service of 5 years will be treated equal to one year of regular service for pension. If on that basis, their services are more than 8 years but less than 10 years, their service will be reckoned as ten years.”

⁵ CWP No.2735 of 2010, decided alongwith connected matters on 28.07.2010

- The office instructions have also highlighted the same cut-off date of 01.01.2018 provided in *Roop Lal's*⁴ case for release of monetary benefits on actual basis. Relevant portion from the decision, as highlighted in the office instructions, is as under:-

“With respect to the cut-off date from which actual monetary benefits are to be extended, keeping in view the law laid down by Supreme Court in Sunder Singh’s and Balo Devi’s cases, it is further clarified that the petitioner shall be entitled for actual monetary benefits w.e.f. 1.1.2018 and the monetary benefits, if any, prior to 1.1.2018 shall only be on notional basis, but if the three years period, prior to filing of the petition, is subsequent to 1.1.2018, then the actual benefits shall be granted from such subsequent date.”

4. Petitioner is a retired Class-III employee, therefore, grant of pension to him w.e.f. 01.01.2018 is in consonance with *Sunder Singh*² and *Roop Lal*⁴. It is not in dispute that petitioner has already received pension and arrears in terms of *Sunder Singh*² and *Roop Lal*⁴ w.e.f. 01.01.2018.

No other ground has been urged for claiming pension arrears from the date of superannuation till 01.01.2018.

5. In view of above, this writ petition claiming actual monetary benefits prior to 01.01.2018 is

misconceived and is, therefore, dismissed. Pending miscellaneous application(s), if any, also stand disposed of.

October 07, 2026
Mukesh

Jyotsna Rewal Dua
Judge