

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA No. 471 of 2026****Date of decision: 12.08.2026**

State of H.P. & Ors.	Versus	...Appellants
Kuldeep Dhiman & Anr.		...Respondents

*Coram****The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.******The Hon'ble Mr. Justice Bipin C. Negi, Judge.****Whether approved for reporting?***For the Appellants:** Mr. Pranay Pratap Singh, Additional Advocate General.**For the Respondents:** Mr. Rangil Singh, Advocate, for respondent No. 2.**G. S. Sandhawalia, Chief Justice (Oral)****CMP No. 20003 of 2026**

Keeping in view the averments made in the application, the delay of 5 days in re-filing the appeal is condoned. Application stands disposed of.

CMP(M) No. 1263 of 2026

2. Keeping in view the averments made in the application, duly supported by the affidavit of the official, the delay of 23 days in filing the appeal is condoned. The application stands disposed of.

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3. The State is aggrieved by the order of the learned Single Judge, passed in **CWP No. 2590 of 2026**, titled as

Kuldeep Dhiman vs State of H. P. & Ors., dated 06.03.2026, whereby without calling for the reply, the petition was allowed and directions were issued to grant retiral benefits including commuted pension and gratuity in favour of the petitioner on or before 20.04.2026.

4. The order is self-speaking to the extent that the Court had kept in mind that the marriage of the daughter of the employee was to be solemnized in the month of May, 2026, while referring to the wedding card. An observation has been made by the learned Single Judge that the petitioner had retired six years back, yet his retiral benefits have not been released.

5. Learned counsel for the State has pointed out that the prayer clause was also reproduced by the learned Single Judge, which was not regarding the denial of any pension, but the issue regarding the revised pension and the balance revised gratuity amount w.e.f. 01.01.2016. It is also pointed out that even the document Annexure P-2 was not referred to by the learned Single Judge, wherein specifically the amount of Rs.10,00,000/- as gratuity had already been paid on 27.08.2020, within a month from the date of retirement of the petitioner i.e. 31.07.2020. The said document would also go on to show that the balance amount of gratuity was Rs. 3,24,323/- and 20% of the said amount to the tune of Rs.64,865/- has been paid to the petitioner. The said fact has also been mentioned in the writ

petition in paragraph -6 and, therefore, the directions as such without calling for the reply, would not be justified.

6. Learned counsel for the State has further pointed out that the matter regarding the revised pay-scale as such and the notification in question is already pending consideration before the learned Division Bench-I in **CWP No. 8504 of 2025**, titled as **Madhu Deshta vs. State of H.P. & Ors.**

7. Keeping in view the fact that the reply has not been called for, apparently, the error might have occurred. In such circumstances, we permit the State to file an application for clarification/review before the learned Single Judge, as it would be best left to the domain of the said Bench to examine whether the error, if any, was inadvertent or not. We do not thus propose to issue notice to the writ petitioner, since we are relegating the State to approach the learned Single Judge.

8. Accordingly, the appeal is disposed of with aforesaid liberty.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

12th August, 2026
(sanjeev)