

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.14339 of 2026

Decided on: 9th October, 2026

Kuldeep Singh

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Ashwani Kaundal, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General
with Mr. Rajat Choudhry, Assistant
Advocate General, for the
respondents-State.

Mr. Vinod Chauhan, Advocate, for
respondent No.4.

Ms. Kamlesh Shandil, Advocate, for
respondent No.5.

Jyotsna Rewal Dua, Judge

Petitioner's case is that he retired on 30.09.2019
as a regular Driver from the respondent-Sainik Welfare
Board. He had to his credit six years of regular service and
seven years of contractual service. Respondents have
declined to grant pension to him under office letters dated
21.04.2025 (Annexure P-4) and 03.11.2025 (Annexure P-8)

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

(impugned herein). Respondents have rejected the pension case of the petitioner primarily on the grounds that the petitioner did not have to his credit 10 years of qualifying regular service required under CCS (Pension) Rules, 1972. Another ground taken by the respondents is petitioner having not exercised the option for Old Pension Scheme and the CCS (Pension) Rules, 1972 within the time period prescribed in the office memorandum dated 10.06.2024.

2. Learned counsel for the petitioner submits that in view of the law laid down in ***State of Himachal Pradesh & Anr. Versus Sheela Devi***², the contractual service rendered by the petitioner is liable to be considered as qualifying service for the purpose of pension and if this recourse is adopted, petitioner would have to his credit requisite service for the purpose of pension. It was also urged that the second ground taken by the respondents for non-suiting the petitioner, viz. option having not been exercised by him within the prescribed timeline in terms of office memorandum dated 10.06.2024 is also covered in petitioner's favour under ***Reshma Devi Versus State of Himachal Pradesh & Ors.***³.

² SLP (Civil) No.10399/2020, decided on 07.08.2023

³ CWP No.11004 of 2025, decided alongwith connected matters on 10.07.2025

3. Learned counsel for the petitioner submitted that the petitioner would be satisfied in case respondents No.2 and 5 are directed to consider the case of the petitioner afresh for grant of pension, keeping in view the facts of his case vis-à-vis the law laid down in *Sheela Devi*² and *Reshmo Devi*³. Learned counsel appearing for the respondents are not averse to this prayer.

4. In view of above submissions, but without examining the merits of the matter and notwithstanding the impugned office letters dated 21.04.2025 (Annexure P-4) and 03.11.2025 (Annexure P-8), this writ petition is disposed of with direction to respondents No.2 and 5 to consider and decide the case of the petitioner afresh for grant of pension under the CCS (Pension) Rules, 1972 keeping in view *Sheela Devi*² and *Reshmo Devi*³, within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

October 09, 2026
Mukesh

Jyotsna Rewal Dua
Judge