

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.496 of 2026
Decided on : 22.09.2026

State of HP and Anr.

...Appellants

Versus

Bidhi Chand

...Respondent.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellant(s) : Mr. Pranay Pratap Singh, Additional
Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

By way of the present appeal, a challenge has been laid to the impugned judgment dated 05.12.2025, passed in ***CWP No.1528 of 2020, titled Bidhi Chand v. State of H.P. & Anr.***, whereby the petitioner, Bidhi Chand, had been granted the benefit of pension with effect from 01.01.2018 along with interest at the rate of 9% per annum within a period of three months, failing which the respondents would be liable to pay interest at the rate of 12% per annum.

2. The relief was granted on the basis of the law laid down in ***Civil Appeal No.6309 of 2017, Sunder Singh vs.***

¹ Whether the reporters of the local papers may be allowed to see the Judgment? Yes

The State of Himachal Pradesh & others, decided on 08.03.2018 (Annexure P-7). The Apex Court in the said case had directed that Class-IV employees would be entitled to pension if they had been duly regularized and had completed total eligible qualifying service of more than 10 years, and the daily wage service of 5 years would be treated equal to 1 year of regular service for pension. On that basis, if the regular service is more than 8 years but less than 10 years, the service would be reckoned as 10 years.

3. The learned Single Judge noticed that the employee as such had been appointed initially as a daily wager as a Blacksmith in the year 1984 as per Annexure P-6 and had been conferred work-charge status with effect from 01.01.1994. He had retired from service on 28.02.2003, and was falling short of the requisite 10 years of qualifying service for the purpose of grant of pension. The employee had also retired as a Blacksmith, which is a Class-III post.

4. The learned Single Judge then referred to the judgment passed in ***Special Leave to Appeal (C) No.1007 of 2024, State of Himachal Pradesh & others vs. Roop Lal***, wherein the order passed in ***LPA No.196 of 2022, titled***

Roop Lal vs. State of H.P. & others, decided on 11.10.2023, had been upheld, and the dictum of **Sunder Singh's** case has been extended even to Class-III employees, and resultantly allowed the writ petition.

5. The only defense that had been raised in the writ petition as such by the State was that on an earlier occasion, the petitioner had filed O.A. No.823 of 2004 before the erstwhile HP Administrative Tribunal, which had been decided in his favor on 08.11.2007 (Annexure P-6), wherein directions had been issued similarly to take into consideration 50% of the daily wage service for calculating his qualifying service for entitlement to pension. It was thus pleaded that the said order had been set aside by a Coordinate Bench of this Court in CWP No.3465 of 2009, decided on 31.05.2012 (Annexure R-2), and therefore, the petitioner/employee was not entitled to the said relief as his case was solely based on the earlier directions issued in the O.A. filed by him.

6. There is no quarrel with the said proposition, but the fact remains that the relief in the writ petition was also claimed on the basis of the judgment in *Sunder Singh's* case as per prayer clause 3(i), and it was on this account that the

learned Single Judge, by noticing the above history *inter se* the employee and the State, had granted the benefit of the judgment of **Sunder Singh's** case and **Roop Lal's** case, to which the State had not raised any valid defense in the written statement. This specific plea had been taken in paragraph 12 of the writ petition as well, which was only denied by the State, and the earlier round of litigation as such had been relied upon.

7. In such circumstances, once the benefit has been given in terms of **Sunder Singh's** case and **Roop Lal's** case, which issues stand settled by the Apex Court, we do not find any plausible reason to interfere in the well-reasoned judgment of the learned Single Judge.

8. Thus, for the aforesaid reasons, we are of the considered opinion that the present appeal is bereft of merit, therefore, the same is dismissed accordingly. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

22nd September, 2026
(Gaurav Rawat)