

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CWP No.13453 of 2024
Decided on 25th September 2026

Shri Jagdish Sharma

...Petitioner

Vs.

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

¹Whether approved for reporting?

For the petitioner : Mr. Tarun Brakta, Advocate, vice Mr. Atharv Sharma, Advocate.

For the respondents : Mr. Ramakant Sharma, Additional Advocate General, for respondents No.1 and 2.

Mr. Dikken Kumar, Advocate, for respondent No.3.

Mr. Balram Sharma, DSGI, for respondent No.4.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

- i) *"That this Hon'ble Court may be pleased to issue the Writ in the nature of Certiorari/Mandamus or any other appropriate writ order or direction may kindly be issued quashing and setting aside the Rule 10 A of the Central Civil Services (Commutation of Pension) Rules, as applicable to the State of Himachal Pradesh, to the extent whereby it provides for restoration of reduced Pension after a period of 15 years instead of 11 years and 6 months, even though the recovery of the Commuted portion of Pension along with interest at the prescribed rate of interest of 8% per annum stands fully recovered within a period of 11 years and 6 months, consequently to hold the same to be illegal and arbitrary.*

- ii) *That this Hon'ble Court may be pleased to issue the Writ in the nature of mandamus or any other appropriate writ order or direction, directing the respondents to restore full pension immediately on expiry of 11 years and 6 months instead of 15 years as provided in Rule 10A of CCS (Commutation of Pension) Rules 1981 as the amount already stands recovered by the employer/State and the amount if recovered beyond the period of 11 years and 6 months be refunded along with interest @ 18% Per Annum and the amount which has been recovered may kindly be refunded."*

2. When this case was taken up for consideration, learned counsel for the petitioner submits that there were other petitions also, in which, similar issues were raised before this Court i.e., CWP No.15995 of 2024, titled Bal Dev versus State of Himachal Pradesh and others and connected matters, which stood decided on 16.09.2026 and, as the present case is akin to the said cases, this petition be disposed of with the observation that the directions, which have been passed by this Court in CWP No.15995 of 2024 (supra) alongwith other connected matters, be construed to have been passed in the present case also.

3. As the request made by learned counsel for the petitioner has not been opposed by the State, this petition is disposed of with the observation that the directions passed by

this Court in CWP No.15995 of 2024, titled Bal Dev versus State of Himachal Pradesh and others and connected matters, decided on 16.09.2026, shall be construed to have been passed in the present petition also.

4. Pending miscellaneous applications, if any, also stands disposed of.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 25, 2026
(*Vinod*)