

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 15592 of 2026
Decided on : 08.09.2026

Union of India and others

...Petitioners

Versus

Rattan Chand

...Respondent

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?¹

For the petitioners : Mr. Balram Sharma, Deputy
Solicitor General of India, with Mr.
Rajeev Sharma, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

The petitioners seek consideration of the judgment passed by the Central Administrative Tribunal, Chandigarh Bench (in short 'the Tribunal'), in **O.A. No. 063/8/2025**, titled **Sh. Rattan Chand Vs. Union of India and others**, dated 09.01.2026, whereby the benefits of pension were given with effect from 01.04.2013 alongwith all consequential benefits, by relying upon the judgment passed by the Tribunal in **O.A. No. 426/HP/2013**, titled **Painu Ram Vs. Union of India and others**, dated 30.01.2024.

2. Resultantly, the application was allowed and direction was issued to grant pensionary benefits to the applicant

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

in terms of the principles laid down in the judgment of ***Painu Ram*** (supra), which had further been upheld by the Coordinate Bench of this Court in ***Civil Writ Petition No. 2299 of 2014***, titled ***The Sr. Supdt. Of Post Offices Vs. Shri Painu Ram***, decided on 23.07.2018.

3. The Tribunal as such, had noticed the fact that the employee was initially engaged as a Part-time Chowkidar in the year 1983 and was conferred the benefits of Temporary Status with effect from 29.11.1989 alongwith payment of arrears for the period 11.04.2009 to 30.06.2011. He had superannuated on 31.03.2013 upon attaining the age of 60 years as Temporary Status Group-D employee. Thus, it was his contention that after rendering 30 years of service, he was entitled to the benefits of pension and other retiral dues. The Scheme dated 12.04.1991 was made effective from 29.11.1989 and the Office Memorandum dated 30.11.1992, was taken into consideration by the Tribunal, which restricted the benefits of pensionary arrears up to 3 years prior to the filing of the O.A. and the amount was to be paid within three months.

4. Thus, the Tribunal was of the considered opinion that the case of the applicant-respondent herein was squarely covered by the judgment passed in the case of ***Painu Ram*** (supra) and denial of the same benefits to another similarly

situated persons, amounted to discrimination and violated Articles 14 and 16 of the Constitution of India and selective denial could not be done by the Union of India (the employer).

5. Perusal of the judgment passed by the Coordinate Bench in **CWP No. 2299 of 2014**, titled **Painu Ram** (supra), would go on to show that the issue was whether a Part-timer, who was conferred Temporary Status, was entitled to same benefits, as admissible to regular employees in terms of instructions dated 12.04.1991, as amended on 30.11.1992, or not? Resultantly, the order of the Tribunal was upheld while placing reliance upon the judgment of the Apex Court passed in **Jagriti Mazdoor Union (Regd.) Vs. Mahanagar Telephone Nigam Ltd., (1990) Supp. Supreme Court Cases 113**.

6. It was accordingly noticed that in the said case, the workman-Painu Ram had been conferred Temporary Status on 29.11.1989, who had been initially appointed as a Part-time worker way back on 02.02.1982. Resultantly, the order of the Tribunal as such, was upheld.

7. Counsel for the Union of India also very fairly brought to our notice that in the recent judgment of the Apex Court, passed in **SLP(C) Nos. 28802-28804 of 2019**, titled **Bhikhani Devi and etc. Vs. Union of India and others**, dated 01.06.2026, the same issue was apparently subject matter of

consideration. The question formulated as such, was whether Temporary Status casual labourer, in the absence of a formal order of regularization, would be entitled to pensionary benefits on superannuation or not?

8. Thus, by placing reliance upon the two policies in question, of 12.04.1991 and 30.11.1992, a finding was recorded that the Scheme was conceived as a beneficial and progressive framework intended to gradually extend to temporary status casual labourers the service conditions and benefits associated with Group 'D' employees and it could not be construed in any other manner so as to restrict and defeat its object of assimilation of casual labourers to regular employees, while setting aside the the order of High Court of Patna, whereby the order of Central Administrative Tribunal, Patna Bench, passed in an Original Application, had been set aside.

9. Resultantly, the appellants were held entitled to pensionary benefits, while also keeping in view the issue of delay and laches, as it was a continuous cause of action and the arrears were confined to a period of 3 years and 2 months, preceding the date of filing of the respective Original Application before the Tribunal.

10. In such circumstances, the matter is squarely covered, since the question framed was duly answered that the

Temporary Status casual labourers would be entitled to pensionary benefits on superannuation even in the absence of regularization.

11. Resultantly, there is no occasion for us to interfere with the well reasoned order passed by the Tribunal. Accordingly, the present petition is dismissed. Pending miscellaneous application(s), if any, also stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

September 08, 2026
(Shivank Thakur)