

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**CMP(M) No. 1644 of 2026 & LPA No. 574 of 2026****Date of decision: 05.10.2026**

State of H. P. & Ors.	...	Appellants
	Versus	

Karam Chand & Anr.	...	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?

For the Appellants: Mr. Rakesh Dhaulta, Additional
Advocate General.

G. S. Sandhawalia, Chief Justice (Oral)
CMP(M) No. 1644 of 2026

Keeping in view the averments made in the application, which is duly supported by the affidavit of the official, delay of 120 days in filing the appeal is condoned. The application stands disposed of.

LPA No. 574 of 2026

2. The State has raised challenge to the innocuous order passed by the learned Single Judge in ***CWP No. 782 of 2026***, titled as ***Karam Chand vs. State of H.P. & Ors.***, dated on 08.01.2026, whereby the learned Single Judge found that there was a *prima facie* case for entitlement of pension in view of the law laid down in ***Civil Appeal No. 6309 of 2017***, titled as ***Sunder Singh vs. State of H.P. & Ors.***, decided on

08.03.2018 and **Civil Appeal No. 4792 of 2022**, titled as **Balo Devi & Ors. vs. State of H.P. & Ors.**, decided on 18.07.2022 and resultantly directed reconsideration for the purpose of the benefit of the pension and also imposed cost of Rs.10,000/- to be deposited in the “Chief Justice Disaster Relief Fund 2025”, while setting aside the order dated 16.10.2025. The needful exercise was to be done within four weeks.

3. The learned Single Judge while referring to the order dated 07.11.2025 (Annexure P-9), which had been passed by the Engineer-in-Chief, has noticed that the employee as such had daily wage service w.e.f. 2006 to 2013 and regular service of eight years and four months.

4. Resultantly, keeping in view the fact that the employee had seven years of daily wage service, as per the law laid down by the Apex Court, wherein it has been held that 5 years daily wage service is equivalent to one year of regular service, to be added to the petitioner’s regular service for the purpose of entitlement of pension and, thus, the total service comes to nine years and four months, he is entitled to the pension accordingly.

5. The filing of the appeal only shows the attitude of the State to keep on putting the Class-IV employees into litigation time and again. The specific pleadings in the writ petition, would go on to show that the employee as such was working since the

year 2006 as a daily wage Beldar with PWD and he was regularised on 08.10.2013 and thereafter superannuated on 28.02.2022 (Annexure P-3).

6. Apparently, it is clear from the impugned order dated 16.10.2025 that the petitioner had firstly filed **CWP No. 10958 of 2025**, titled as **Karam Chand vs. State of H.P. & Ors.**, which was decided on 09.07.2025, whereby directions were given for reconsideration of his case in view of **Sunder Singh and Balo Devi's cases (supra)**. The relevant portion of the order dated 16.10.2025 reads as under:-

"2 Petitioner superannuated on 28.02.2022 as regular Class-IV employee (Beldar). Taking note of regular service rendered by the petitioner, which fell short of the requisite tenure for qualifying service required for the purpose of pension and pensionary benefits, the respondents did not release pension in petitioner's favour. Petitioner's grievance in the instant petition is that daily wage service rendered by him w.e.f. 01.01.2006 till regularization of its service on 08.10.2013, is also liable to be counted in terms of law laid down in Sunder Singh vs The State of Himachal Pradesh & Ors. and Balo Devi & Ors. vs. State of Himachal Pradesh & Ors. Petitioner's further grievance is that his representation/legal notice, dated 21.04.2025 (Annexure P-5) has not been taken to its logical conclusion till date.

3. Learned counsel for the petitioner contends that in case the daily wage service rendered by the petitioner is counted by the respondents, he would become

eligible for grant of pension under the Central Civil Services (Pension) Rules, 1972. This, however, is an aspect, which is required to be examined and verified by the respondents. Accordingly, this writ petition is disposed of by directing the respondents/competent authority to consider the case of the petitioner for grant of relief prayed for by him in light of decision rendered in Sunder Singh and Balo Devi within a period of six weeks from today. Consequential action based upon the decision be also taken within the aforesaid period. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any."

7. In spite of such categorical directions, the State resorted to hair splitting exercise by trying to distinguish that the judgment passed in **Sunder Singh's case** was only applicable to those daily wagers, who were regularized pursuant to the decision of the Apex Court in **Mool Raj Upadhaya's case**, and rejected the representation and also added an additional ground that there was a curative petition pending against the judgment in **Balo Devi's case** and since a minimum 10 years qualifying service was mandatorily required for the grant of pension under the statutory provisions of Rule 49(2) of the CCS (Pension) Rules, 1972, whereas the service period of the petitioner was only eight years and four months. It is also an admitted fact that the curative petition also stands dismissed.

8. In such circumstances, the learned Single Judge, thus, came to the conclusion that the order dated 16.10.2025 was not justifiable and quashed the same and rightly imposed the cost of Rs.10,000/-.

9. Accordingly, we do not find any plausible reason to take a different view, rather we direct that the costs of Rs.10,000/- should be payable by the official concerned, who passed the order dated 16.10.2025 and the same be paid to the employee instead of depositing the same in the "Chief Justice Disaster Relief Fund, 2025."

9. Accordingly, the appeal is dismissed, so also the pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

5th October, 2026 (sanjeev)