

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 16459 of 2026
Decided on: September 21, 2026

Union of India and others	Versus	 Petitioners
Roshan Lal		...Respondent

Coram:

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

Whether approved for reporting? ¹

For the Petitioner	:	Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate.
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For the Respondent	:	Nemo.
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Sandeep Sharma, Judge (oral):

Being aggrieved and dissatisfied with order dated 9.1.2026 passed by Central Administrative Tribunal, Chandigarh Bench in OA No. 063/7/2025, titled Roshan Lal v. Union of India and others, whereby learned Tribunal below, while allowing the application, directed the petitioner-Union of India to grant pensionary benefits to the respondent herein, in terms of principles laid down in Painu Ram & Others v. Union of India & others, decided on 30.1.2014 and thereafter release pension alongwith all consequential benefits, including arrears restricted to three years prior to filing of the Original Application, to the respondent (applicant) within a period of three months from the date of receipt of a certified copy of the order, petitioner-Union of India has approached this Court, in the instant proceedings filed under Art. 226 of the Constitution of India, praying therein to set aside order dated 9.1.2026 passed by learned Tribunal below.

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

2. Having regard to nature of dispute and order proposed to be passed in the instant proceedings, notice to respondent is dispensed with.

3. Precisely, the case of the respondent-applicant, as came to be highlighted before learned Tribunal below, is that despite his being similarly situate to the applicant in **Painu Ram** supra, he is not being extended benefits of aforesaid judgment. Learned Tribunal below, having taken note of the fact that the respondent was engaged as a casual labourer on 15.8.1987 and thereafter he discharged duties of a Chowkidar continuously, from 5.00 pm to 9.00 am, i.e. for 16 hours a day, coupled with the fact that Department of Posts introduced a Scheme on 12.4.1991, made effective from 29.11.1989, providing for conferment of temporary status upon casual labourers, who had completed 240 days of service in a year and the Scheme provided for extension of benefits at par with regular Group-D employees, as clarified vide Office Memorandum dated 30.11.1992, allowed the application and directed the petitioner to extend benefit of judgment in **Painu Ram** supra to the respondent.

4. Admittedly, in **Painu Ram**, persons similarly situate to petitioner therein, were held entitled to pensionary benefits. Judgment in **Painu Ram** has been upheld by this Court and even implemented by petitioner in respect of similarly situate employees.

5. Though, petitioner-Union of India contended that the respondent was never substantially engaged against a regular Group-D post /Multi Tasking Staff but, once it is not in dispute, rather stands admitted, that the respondent was conferred temporary status with effect from

29.11.1989 and treated at par with Group D employees with effect from 29.11.1992, coupled with the fact that Department of Posts itself, vide order dated 30.11.1992, clarified that casual labourer conferred temporary status as per Scheme dated 12.4.1991 will be treated at par with Group-D employees from the date of completion of three years in newly acquired temporary status as per afore Scheme, no illegality can be said to have been committed by learned Tribunal below, while considering the case of respondent in light of **Painu Ram**.

6. The issue, “whether a part timer, who was conferred temporary status is entitled to benefits admissible to regular employees in terms of Scheme dated 12.4.1991, as amended on 30.12.1991” already stands settled in the judgment passed by Central Administrative Tribunal in **Painu Ram**, which judgment has been upheld by this Court in writ petition. In similar facts and circumstances, this Court, in case titled Union of India v. Rattan Chand, CWP No. 15592 of 2026 has upheld order passed by Central Administrative Tribunal, wherein, similar directions were issued. In the aforesaid case, learned counsel for the petitioner-Union of India himself brought to the notice of this Court a recent order dated 1.6.2026 passed by Hon'ble Apex Court in SLP(C) Nos. 28802-28804 of 2019, titled **Bhikhani Devi and etc. v. Union of India and others**, wherein issue was, “whether temporary status conferred upon casual labourer, in the absence of subsequent order of regularisation, would be entitled to pensionary benefits on superannuation or not?”

7. While placing reliance upon two policies dated 12.4.1991 and 30.11.1992, a finding came to be recorded that the Scheme was

conceived as a beneficial and progressive framework, which is intended to gradually extend to temporary status casual labourers the 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.

8. Consequently, in view of above, this court is fully in agreement with the findings recorded by Central Administrative Tribunal that the respondent's case is squarely covered by **Painu Ram**, as such, no illegality can be said to have been committed by learned Tribunal below, while passing order dated 9.1.2026 in OA No. 063/7/2025, which is accordingly upheld.

The petition is accordingly disposed of, alongwith all pending applications.

(Sandeep Sharma)
Judge

(Bipin Chander Negi)
Judge

September 21, 2026
Vikrant