

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 18017 of 2025.

Decided on : 11th September, 2026

Joginder Singh

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the Petitioner:

Mr. Vijay Kumar, Advocate.

For the respondents:

Ms. Menka Raj Chauhan, Deputy Advocate
General for respondents-State.

Ms. Komal Chaudhary, Advocate, for
respondent No.6.

Jyotsna Rewal Dua, Judge.

Petitioner's case is that he retired from services on 30.09.2017. However, the respondents have released pension to him with effect from 01.04.2023. Petitioner seeks pension from the date of his retirement. The respondents, in their reply, have inter alia pleaded that pension has been released to the petitioner under CCS (Pension) Rules (Old Pension Scheme) in terms of office memorandum dated 04.05.2023. The said office memorandum provides as under in respect of those employees who were covered under National Pension System and had retired/died between 15.5.2003 to 31.3.2023:-

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

“(vii) Employees, who were covered under the National Pension System (NPS) and have already retired/ died, between the period 15.05.2003 to 31.03.2023 and who fulfil the eligibility criteria under the Central Civil Services (Pension) Rules, 1972, such retired employee and eligible family member of deceased employee, shall be entitled to pension from prospective date i.e. with effect from 01.04.2023, on exercising an option for the same on the prescribed format at Annexure-II and submission of an undertaking at Annexure-III, subject to deposit of the Government contribution and dividend/ return, till the date of withdrawal, to the State Government. The amount of Government contribution and dividend/ return shall be deposited under the Receipt Head "0071-Contribution & Recoveries towards pension and other retirement benefit, 01-Civil, 101-Subscriptions and Contributions, 03-Accumulated Pension Wealth in respect of National Pension System Subscribers and 04-Accumulated dividend on Government Contribution of National Pension System employees converted into Old Pension Scheme.”

2. Learned Deputy Advocate General submits that it is in view of aforesaid provision that pension has been paid to the petitioner from prospective date, that is with effect from 1.4.2023, in terms of clause 7 of office memorandum dated 4.5.2023 (Annexure R-2).
3. Faced with above defence of the respondents, in view of office memorandum dated 04.05.2023, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file afresh in accordance with law for the redressal of his grievances including against the aforesaid office memorandum. Granting such permission, as prayed

for, this writ petition is dismissed as withdrawn. Pending applications, if any, also stand disposed of.

Jyotsna Rewal Dua
Judge

11th September, 2026.
(jai)