

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**LPA No.217 of 2026 a/w LPA
No.908 of 2025 and CMP(M)
Nos.123, 346 and 497 of 2026**

Date of Decision:- 09.07.2026

1. LPA No.217 of 2026

State of Himachal Pradesh and Others Appellants

Versus

Baldev Singh**Respondents**

2. LPA No.908 of 2025

State of Himachal Pradesh and Others Appellants

Versus

Rasan Devi and Another ...Respondents

3. CMP(M) No.123 of 2026

State of Himachal Pradesh and Others Appellants

Versus

Gokal Ram and Another**Respondents**

4. CMP(M) No.346 of 2026

State of Himachal Pradesh and Others Appellants

Versus

Reshmo Devi and Another ...Respondents

5. CMP(M) No.497 of 2026

State of Himachal Pradesh and Others Appellants

Versus

Sudershna Devi and Another

....Respondents

Coram

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

Whether approved for reporting?¹ Yes.

For the Appellant(s) : Mr. Arsh Rattan, Deputy Advocate General, in all the appeals.

For the Respondents : Mr. Rajneesh K. Lal, Advocate, for respondent No.1, in all the appeals.

: Ms. Kamlesh Shandil, Advocate, for respondent No.2-Accountant General, in all the appeals.

G.S. Sandhawalia, Chief Justice (Oral)

CMP(M) Nos.123, 346 and 497 of 2026

Keeping in view the averments made in the applications, duly supported by the affidavit of the officials, delay in filing the appeals are condoned.

2. The applications stand disposed off accordingly.

LPA No.217 of 2026 and LPA Nos.908 of 2025, 405, 406 and 407 of 2026

3. Consideration in the present Letters Patent Appeal is to the order passed by the learned Single Judge in ***CWP No.11004 of 2025***, titled as ***Reshmo Devi Vs. State of***

¹ Whether reporters of Local Papers may be allowed to see the judgment?

Himachal Pradesh and Others, CWP No.11005 of 2025, titled as **Sudershna Devi Vs. State of Himachal Pradesh and Others, CWP No.11007 of 2025**, titled as **Gokal Ram Vs. State of Himachal Pradesh and Others, CWP No.948 of 2025**, titled as **Baldev Singh Vs. State of Himachal Pradesh and Others** and **CWP No.8678 of 2025**, titled as **Rasan Devi Vs. State of Himachal Pradesh and Others**, dated 10.07.2025, whereby the five writ petitions were allowed and the employees who were retirees as such were granted the benefit of consideration, in four cases.

4. In the lead case **CWP No.11004 of 2025**, titled as **Reshmo Devi Vs. State of Himachal Pradesh and Others**, out of which **LPA No.217 of 2026**, titled as **State of Himachal Pradesh and Others Vs. Baldev Singh a/w connected matters** arises, it was held by the learned Single Judge that the case of the petitioner for grant of pension under the Old Pension Scheme could not be rejected only for the reason that she had not exercised her option within the cut-off period mentioned in the Office Memorandum dated 04.05.2023.

5. The learned Single Judge was thus of the considered opinion that the retired Class-IV employees, who were seeking the benefits of the Old Pension Scheme and the CCS (Pension)

Rules, 1972 in terms of the Notification dated 04.05.2023 and the Office Memorandum of even date, were denied these benefits only on account of the fact that they had not exercised their option within the stipulated period. Accordingly, a prayer was made for payment of the pension.

6. From the perusal of **LPA No.217 of 2026**, titled as **State of Himachal Pradesh and Others Vs. Baldev Singh**, it is clear that representation of the petitioner regarding the option was received vide Diary No. 6003 on 19.09.2023. However, it was rejected on the grounds that he had failed to exercise his option before the expiry of the 60-days' period from the date the Government instructions were issued. Consequently, because he submitted his option late, his request had not been favorably considered. Resultantly, he had filed **CWP No. 948 of 2025**, titled **Baldev Singh Vs. State of Himachal Pradesh and Others**, which culminated in the filing of LPA No. 217 of 2026.

7. Counsel for the appellants-State has submitted that as per the notification dated 04.05.2023 (**Annexure R-I**) as such, the cut-off period was 60 days from the date of issuance of these instructions and the Government servants, who had opted for the Central Civil Services (Pension) Rules, 1972, i.e. Old Pension Scheme were entitled to pensionary benefits only subject to

depositing of the Government's contribution and the dividend/return earned thereon to the State Government's account. Because the respondents had failed to make this deposit, the issued directions are unjustified.

8. The learned Single Judge had relied upon the basic principle that the beneficial social welfare scheme could not be defeated by technicalities, while placing reliance upon the judgment of the Apex Court in ***R.C. Gupta & Others Vs. Regional Provident Fund Commissioner, EPFO & Others (2018) 14 SCC 80.***

9. Reliance was also placed upon the judgment passed on an earlier occasion in ***CWP No. 7097 of 2024***, titled as ***Phoolmati Vs. State of Himachal Pradesh & Others***, dated 31.12.2024, wherein the view was taken that the Department was required to inform Class-III and Class-IV employees of the memorandum and seek their options within a reasonable time. If the employee failed to do so within a reasonable time, the Department could then proceed with the matter in accordance with law .

10. It is not disputed that the said judgment was the subject matter of challenge by the appellants-State in ***LPA No. 791 of 2025***, titled ***State of Himachal Pradesh and Others Vs.***

Phoolmati and Another, before us, wherein we had noticed that the petitioner had exercised her option only on 04.11.2023, though the said exercise was required to be completed by 03.07.2023. Resultantly, we had come to the conclusion that the cut-off date could not, as such, be strictly applied to retired government employees who were no longer in touch with their employer. The relevant part read as under:-

“6. It is not disputed that even as per the terms of the Notification dated 04.05.2023 (Annexure P-2), whereby the Central Civil Services (Pension) Rules, 1972, were amended by the State w.e.f. 01.04.2023, certain benefits were given to Government servants, who had already retired or died in harness during the period w.e.f. 15.05.2003 to 31.03.2023, if such retired Government servants or eligible family members exercise their option to get the pensionary benefits under the Rules from prospective date i.e. w.e.f. 01.04.2023, subject to deposit of Government contribution and dividend return earned thereon under the National Pension System to the State Government. Thus, apparently, it was a beneficial amendment as such which was also applicable to the persons who had retired at the prior point of time for over a period of 20 years.

7. In such circumstances, we are in agreement with the view taken by the learned Single Judge that a Class-IV employee, who had already retired as such at the time of issuance of the Memorandum dated 04.05.2023, who could not give an option within the prescribed period of 60 days, as she was not aware of the strict provisions as such of the cut-off date, not being in touch with her employer.

8 In such circumstances, we do not find any infirmity or illegality in the order passed by the

learned Single Judge and are not inclined to interfere in the same.

9. Accordingly, the appeal is dismissed alongwith pending application(s), if any."

11. In the present set of cases, it is to be noticed that applications were filed in July, August, September, 2023 and by Gokal Ram on 10.02.2025. Since by that time, the employees had already retired: Baldev Singh on 28.02.2022, Sudershna Devi on 31.07.2017, Reshmo Devi on 17.06.2016, Gokal Ram on 31.03.2018, and Rasan Devi on 28.02.2022 and the Scheme was introduced later, in the year 2023.

12. It was in such circumstances that the employees had already superannuated long time back. Therefore, it becomes obvious that such employees were no longer in touch with their employer, as even monthly pension was not being paid. Consequently, taking a strict view regarding the non-consideration on the principle of cut off date, would not be justified in the facts and circumstances of these cases and can be considered arbitrary.

13. Resultantly, we are of the considered opinion that these appeals are not liable to be considered on merits, and the view taken by the learned Single Judge does not suffer from any infirmity. Accordingly, the present appeals stand dismissed accordingly.

14. The appellants-State shall necessarily quantify the amount and ask the retired employees to deposit the required amount within a stipulated period of two months. If the amount is not deposited within the specified time period, the appellants-State may pass fresh orders.

15. Pending miscellaneous application(s) if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

9th July, 2026
(Munish Thakur)