IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 7195 of 2024
Decided on: 25.07.2024

Raj Kumar ……. petitioner

Versus

State of H.P. and others respondents

Coram:
Hon'ble Mr. Justice Bipin Chander Negi, Judge
Whether approved for reporting? [1]

For the petitioner	**:**	Mr. Mohit Thakur, Advocate.
For the respondents	**:**	Mr. B.N. Sharma, Additional Advocate General.

Bipin Chander Negi, Judge (oral)

Notice. Mr. B.N. Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

By way of this writ petition, the petitioner has prayed for the following reliefs:-

i) **To issue Writ in the nature of Mandamus directing the respondents to reengage and allow the petitioner being Class-IV to serve till he reaches 60 years of age.**

ii) That the respondents may be directed not to consider the petitioner at 58 years of age.

iii) The petitioner may be allowed full service and financial benefits till he reaches 60 years without any break and without any restriction of arrears of salary and other benefits at par with the benefits allowed in the Judgment Annexure P-1.

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

2. The State vide Notification dated 21.02.2018 had made a distinction between Class-IV employees engaged prior to 10.05.2001 and those engaged after 10.05.2001 for the purpose of determining the age of their retirement. Those Class IV employees engaged prior to 10.05.2001 were retired after attaining the age of 60 years and those Class IV employees engaged after 10.05.2001 were retired after attaining the age of 58 years. The aforesaid notification come up for consideration before this Court in ***CWP No. 2274 of 2021 alongwith connected matters,*** titled ***Satya Devi vs. State of H.P. & others alongwith connected matters***, decided on 28.05.2024. Therein the Notification dated 21.02.2018 was quashed. It was further ordered that all Class-IV employees (government servants) irrespective of their dates of appointment would now retire after attaining the age of 60 years. The relevant extract of the aforesaid judgment is being reproduced here-in-below:

> “118 Therefore, for all the aforesaid reasons we strike down the words "appointed on part time/daily wage basis prior to 10.5.2001 and regularized on or after 10.5.2001" in the notification dated 21.02.2018 and declare that all class-IV Government servants irrespective of their initial date of engagement or the date of their regularization would retire on the last day of the month in which they attain the age of their superannuation of 60 years.
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> 119. All the Writ Petitions are allowed to the extent indicated above. Such of the petitioners/ Class IV Government servants who had retired from service prior to attaining age of superannuation of 60 years, shall be reinstated by the respondents if they have not crossed

> the age of 60 years as on date. Others who will not be able to be reinstated now on ground that they have already attained the age of 60 years, shall be paid compensation equal to the total emoluments which they would have received had they been in service until they attained the age of 60 years, less any amount they might have received by way of pension., etc. They will also be entitled to consequential retiral benefits. These shall be paid within 3 months from today. Those who are continuing in service by virtue of interim orders passed by this Court shall continue in service till they attain the age of 60 years. No costs".

3. It is stated by the learned counsel on both sides that the issue involved in this petition is covered by the judgment delivered on 28.05.2024 in CWP no. 2274 of 2021 ***(Satya Devi vs. State of H.P and others)*** and batch of cases.

4. Accordingly, the writ petition is disposed of in terms of the aforesaid judgment and the respondents are directed to continue the petitioner in service till he attains the age of 60 years.

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

(Bipin Chander Negi)
Judge

July 25, 2024
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