IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.2341 of 2020

Decided on: 26th October, 2026

Naresh Kumar Sharma and others **.....Petitioners**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioners: Mr. Nitin Thakur, Advocate.

For the Respondents: Mr. L.N. Sharma, Additional Advocate General.

Jyotsna Rewal Dua, Judge

CMP No.27525 of 2026

Allowed and to stand disposed of.

CWP No.2341 of 2019

With the consent of learned counsel for the parties, the matter has been heard at this stage.

2. Learned counsel for the petitioners submitted that the petitioners' surviving grievance relates to their eligibility for the Old Pension Scheme in terms of the CCS (Pension) Rules, 1972; Petitioners are entitled to exercise

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

option for claiming pension under the CCS (Pension) Rules in view of office memorandum dated 09.07.2026 (Annexure A-2 with CMP No.27525 of 2026) issued by the respondents. In terms of the said office memorandum, the respondent-State has taken a decision to provide one time option for coverage under the CCS (Pension) Rules, 1972 to all government servants, who had been appointed against the posts/vacancies advertised/notified for recruitment/ appointment prior to 15.05.2003. The option is exercisable by 31.10.2026. It was submitted that all the petitioners had participated in a recruitment process that was initiated prior to 15.05.2003, but the appointment letters were issued to the petitioners in August/September 2003, therefore, all the petitioners are covered under office memorandum dated 09.07.2026 and are eligible to opt for Old Pension Scheme under the CCS (Pension) Rules, 1972.

3. Learned counsel further submitted that the petitioners would be satisfied in case they are permitted to exercise option in light of office memorandum dated 09.07.2026 (Annexure A-2). The above factual assertion of petitioners having been appointed pursuant to a process that was initiated prior to 15.05.2003 has not been disputed by the respondents.

4. For the foregoing submissions, this writ petition is disposed of with liberty reserved to the petitioners to opt for the Old Pension Scheme in terms of CCS (Pension) Rules, 1972 in view of office memorandum dated 09.07.2026. The option so furnished by the petitioners shall be examined and taken to its logical conclusion by the respondents in accordance with law.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

October 26, 2026
Mukesh