2026:HHC:13497

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMP(M) 177 of 2026 a/w
LPA No. 236 of 2026

Date of decision: 24.04.2026

State of Himachal Pradesh & others ..*Appellants*

Versus

Kishori Lal & another ...*Respondent*

Coram:

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

Whether approved for reporting?[1]

For the Appellants: Mr. Varun Chandel, Additional Advocate General.

For the Respondents: Mr. Tek Ram Sharma, Advocate, for respondent No. 2.

G.S. Sandhawalia, Chief Justice *(Oral)*

CMP(M) No. 177 of 2026

Keeping in view the averments made in the application duly supported by an affidavit of the official, delay of 77 days in filing the appeal is condoned. Accordingly, the application stands disposed of.

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

LPA No. 236 of 2026

2. The State has laid challenge to the innocuous order passed by the learned Single Judge, dated 21.07.2025 titled as ***Kishori Lal Vs. State of Himachal Pradesh & others***, whereby the State had been directed to consider the case of petitioner for counting daily wage service rendered by him towards pension in light of the decisions in ***Civil Appeal No. 6309 of 2017,*** titled as ***Sunder Singh vs. The State of Himachal Pradesh & Ors.,*** dated 08.03.2018, ***Civil Appeal No. 4792 of 2022***, titled as ***Balo Devi & others vs. State of Himachal Pradesh & others***, dated 18.07.2022 and ***LPA No. 196 of 2022,*** titled as ***Roop Lal vs. State of H.P. & Ors.,*** dated 11.10.2023.

3. The writ petitioner as such had rendered nine years and five months of regular service at the time of his retirement on 31.05.2016 as a Class-III employee from the H.P. Public Works Department. Prior to that, he had rendered twelve years of daily wage service.

4. The writ petition was accordingly filed seeking directions to the respondents to count two years from daily wage service w.e.f. 1995 to 26.12.2006 of the petitioner, as his qualifying service of eleven years and five months, for the purpose of pension, in view of the law laid down in

Sunder Singh's case *(supra).* Hence, directions had been issued to decide and consider the case of the petitioner in light of the law laid down in ***LPA No. 196 of 2022, Roop Lal Vs. State of H.P. & Ors.,*** decided on 11.10.2023 and upheld in ***Special Leave to Appeal (C) No.1007 of 2024***, titled as ***The State of H.P. & Ors. vs. Roop Lal***, which was dismissed on 18.03.2025, even prior to the orders passed by the learned Single Judge.

5. Therefore, we are of the considered opinion that the matter having attained finality, the filing of instant appeal is misconceived. In similar circumstances, we have also dismissed ***CMP(M) No. 129 of 2026 in LPA No. 105 of 2026***, titled ***State of H.P. vs. Niram Chand***, on 05.03.2026. As such, the Letters Patent Appeal filed by the State is dismissed. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice.

April 24, 2026
(hemlata)

(Bipin C. Negi)
Judge.