IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Ex. Pet. Nos. 447, 448, 462, 463, 464 & 465 of 2026

Date of decision: 24.04.2026

1. Ex. Pet. No. 447 of 2026

Rama Devi ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

2. Ex. Pet. No. 448 of 2026

Vinay Gupta ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

3. Ex. Pet. No. 462 of 2026

Indera Devi Negi ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

4. Ex. Pet. No. 463 of 2026

Ramesh Kumar ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

5. Ex. Pet. No. 464 of 2026

Dharma Nand Shukla ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

6. Ex. Pet. No. 465 of 2026

Byan Kumari ...Petitioner

Versus

State of H. P. & Ors. ...Respondents

Coram

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

Whether approved for reporting?

For the Petitioner(s): Ms. Devyani Sharma, Senior Advocate with Ms. Dhanvanti Devi, Advocate.

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For the Respondents: Mr. Anup Rattan, A.G. with Ms. Priyanka Chauhan, Deputy Advocate General.

G. S. Sandhawalia, Chief Justice (Oral)

The execution is sought of the judgment passed in **LPA No. 338 of 2024**, titled as **Narayan Dutt Sharma vs. State of H.P. & Ors.**, decided on 12.11.2014 alongwith connected matters.

2. Notice. Ms. Priyanka Chauhan, learned Deputy Advocate General, appears and accepts service of notice on behalf of the respondents-State.

3. In **Execution Petition No. 26 of 2025**, titled as **Narayan Dutt Sharma vs. State of H.P. & Ors.,** alongwith connected matters, on 23.04.2026, we have passed the following order:-

> *"The present sets of Execution Petitions, in sum and substance are arising out of judgment passed in **LPA No. 338 of 2022**, titled as, **Narayan Dutt Sharma** vs. **State of H.P. & others**, decided on 12.11.2012 along with connected matters. In the operative part of the directions given by the Coordinate Bench while allowing the said LPA, the appellant and the petitioners in all other connected writ petitions were held entitled for consideration of their contractual service not only as qualifying service for the purposes of pension but also for grant of annual increments. The restriction as such was given that due and admissible benefits shall be extended to the appellant and the petitioners prior to three years of filing the writ*

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petitions on notional basis. The relevant part of the same reads as under:-

> *"18. Accordingly, we allow LPA No. 338 of 2024 alongwith all the writ petitions. The impugned judgment dated 12.9.2024 passed by learned single judge in CWP 2130 of 2021 is set aside to the extent the prayer for grant of annual increments for period of contractual service was denied. The appellant in LPA No. 338 of 2024 and petitioners in all other connected writ petitions are held entitled for consideration of their contractual services not only as qualifying service for purposes of pension but also for grant of annual increments. It is further ordered that due and admissible benefits shall be released to the appellant and petitioners within a period of four months from today. Needless to say, that benefits given beyond three years prior to filing of writ petitions shall be extended to them on notional basis."*

2. It is not disputed that in ***SLP No. 64402 of 2025****, titled as,* ***State of H.P*** *vs.* ***Sharda Sharma****, the stay was initially granted on 15.11.2025 with regard to portion relating to counting of increments. A similar order was passed in* ***SLP (Civil) No. 8008 of 2025****, titled* ***State of H.P. & others*** *vs.* ***Ram Chand & others****. In the lead case being* ***SLP(C) No. 32886 of 2025****,* ***titled State of H.P. & others*** *vs.* ***Narayan Dutt Sharma****, the stay has been granted on 19.9.2025 to the limited extent again where the benefits of counting of increments was granted. It has also been brought to our notice that in some cases, SLPs were also dismissed.*

3. The State has placed on record compliance report dated 12.12.2025, submitted by the Director of School Education, whereby in sum and substance the qualifying service for the benefit of pension is to be counted, subject to final outcome of the SLP (C) No. 32886 of

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2025 and subsequent orders of the Apex Court. The relevant part reads as under:-

> *"Hence, keeping in view the above facts, the contractual service qua the petitioners in Ex. Pet. No. 26/2025 in LPA No. 338/2024 titled as Narayan Dutt Sharma and other vs. State of HP and alongwith connected matters is hereby counted as qualifying service for the benefit of pension under CCS (Pension) rules, 1972, subject to final outcome of SLP(C) Diary No. 32886 of 2025 (State of Himachal Pradesh vs. Narayan Dutt Sharma) filed by the State and subsequent orders of Hon'ble supreme Court in the said SLP".*

4. Learned counsel for the parties have submitted that in various other Execution Petitions, the matters have been adjourned sine-die to raise the issue before the Apex Court. However, keeping in view the fact that the report which is submitted by the Director of School Education, no useful purpose would be served as such by keeping these Execution Petitions on Board since the matter is now pending before the Apex Court and already an undertaking has been given by the Director concerned qua the portion which has not been stayed and they would be granting the benefit of counting the qualifying service for the purpose of pension.

5. As noticed above, the relief granted for the benefit of increments has been stayed. Resultantly, we dispose of the Execution Petitions, by giving liberty to the petitioners to file appropriate applications for revival of the Execution Petitions, after the decision by the Apex Court.

6. The office shall also list the other Execution Petitions, which were filed and Ms. Dhanwanti, Advocate, shall supply the details of the said Execution Petitions, which earlier were adjourned sine-die, as primarily most of Execution Petitions were filed through her, so

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that necessary orders can be passed in those petitions also.

Pending applications, if any, also stand disposed of. "

4. Keeping in view the above, the present execution petitions are disposed of with liberty to file application(s) for revival of the execution petitions, if so required.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

24th April, 2026 (sanjeev)