IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 2488 of 2019

Decided on: 25.04.2026

Indra Devi … Petitioner

Versus

State of H.P. and others … Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioner	:	M/s Mohit Thakur and Aman Thakur, Advocates.
For the respondents	:	Mr. Rajpal Thakur, Additional Advocate General.

Ajay Mohan Goel, Judge *(Oral)*

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

> *"(i) The Writ in the nature of Mandamus may be issued directing the Respondents to consider and decide the Pending Representation dated 1.03.2019 in a time bound manner.*
>
> *(ii) the In the alternative Writ in the nature of Mandamus may be issued directing the Respondents especially Respondent No 2 and 3 to consider and count service rendered by the deceased husband of the Petitioner from 16.04.1984 to 31.12.1993 on the post of Patwari (Casual Patwari) followed*

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

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by regularization and absorption for all service benefits and arrears including Family Pension."

2. The case of the petitioner is that her husband was initially appointed as a Causal Patwari w.e.f. 16.04.1984 and his services were regularized 15.12.1993. He unfortunately passed away in harness in the year 2004. Her grievance is that the service rendered by her husband till his regularisation, has not been taken into consideration for the various service benefits, including family pension, post death of her husband.

3. Learned Counsel for the petitioner has drawn the attention of the Court to the judgment passed by Hon'ble Coordinate Bench of this Court in CWP No. 5653 of 2011, titled as Hari Ram and others vs. State of H.P. and others, decided on 18.10.2012 as also the judgment passed by Hon'ble Division Bench of this Court in CWPOA No. 4273 of 2020, titled as Krishan Lal vs. State of H.P. and others, decided on 07.08.2024 and has submitted that in all these cases, this Court has consistently held that the causal service rendered by such like Patwaris has to be taken into consideration for pay fixation and pensionary benefits.

4. Though, learned Additional Advocate General by placing reliance upon the reply filed by the State submitted that as the

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husband of the petitioner was appointed as a Casual Patwari only w.e.f. 16.04.1984 and his services were regularized on 15.12.1993, he was not entitled for the reliefs being prayed for but learned Additional Advocate General could not dispute the factum of the adjudications, which stand relied upon by learned Counsel for the petitioner.

5. Having heard learned Counsel for the parties and having carefully gone through the pleadings as well as documents appended therewith as also the judgments being relied upon by learned Counsel for the petitioner, this Court is of the considered view that in the peculiar facts of this case, wherein the husband of the petitioner died in harness and all that the petitioner is seeking is a direction to the effect that the services rendered by her late husband as a Casual Patwari be taken into consideration for the benefits which stand conferred upon the petitioner and family members of the deceased after his death, this petition is disposed of with the direction that in light of the adjudications referred to by the learned Counsel for the petitioner, the services rendered by husband of the petitioner as a Casual Patwari be taken into consideration for the purpose of determining/fixation of family pension as far as the petitioner is concerned.

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6. In light of the fact that this writ petition was filed only in the year 2019, notional benefits of said service be given for the purpose of determination of family pension as from the date of death of husband of the petitioner up to three years prior to filing of this petition and from said date, actual benefits restricting them to family pension only be released in favour of the petitioner. Revised family pension be released in favour of the petitioner from the month of May, 2026 and arrears be paid within three months from today, failing which, the petitioner shall be entitled to simple interest @ 6% per annum on the due amount. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(*narender*)