IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19029 of 2026
Decided on: 02.11.2026

Primla Devil **.....Petitioner**

Versus

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

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Arhant Mahajan, Advocate.

For the Respondents: Mr. Y.P.S. Dhaulta, Additional Advocate General.

Jyotsna Rewal Dua, Judge

Following order passed in this writ petition on 29.10.2026, notices the grievance of the petitioner.

> *"Notice. Mr. L.N. Sharma, learned Additional Advocate General appears and waives service of notice on behalf of respondents.*
>
> *Petitioner's representation seeking applicability of Sunder Singh Versus The State of Himachal Pradesh & Ors.*[2] *and Balo Devi & others Versus State of Himachal Pradesh and others*[3]*, was turned down by respondent No.2 on 12.05.2026 on*

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[1] **Whether reporters of print and electronic media may be allowed to see the order? Yes.**
[2] Civil Appeal No.6309 of 2017, decided on 08.03.2018
[3] Civil Appeal No.4792 of 2022, decided on 18.07.2022

the ground that petitioner was a Class-III employee, therefore she doesn't fall within the purview of Sunder Singh and Balo Devi. Significantly, on 12.05.2026 itself, petitioner brought to the notice of respondent No.2 that Class-III employees are also entitled to the benefit of Sunder Singh and Balo Devi, in view of Roop Lal vs. State of H.P. and Others (LPA No. 196 of 2022 decided on 11.10.2023), which has been affirmed by the Hon'ble Apex Court. Despite this, respondent No.2 has not taken the requisite action on the representation of the petitioner. The only response placed on the record is in the form of office letter dated 08.06.2026 (Annexure P-9) that decision can be taken only on receipt of instructions from the government. Such response cannot be accepted in view of settled legal position on the subject matter.

Let instructions be placed on the record by the next date.

List on 02.11.2026."

2. Pursuant to above, learned Additional Advocate General has placed on record fresh consideration order passed by respondent No. 2 on 31.10.2026, holding that petitioner's case is covered by ***Roop Lal's*** case and is required to be processed for pension; Petitioner's case has also been ordered to be processed for pension.

3. Learned Additional Advocate General has also placed on record office communication of even date addressed to the petitioner, directing her to deposit the

amount previously credited in her National Pension System Account for processing of her pension case.

4. Taking note of the aforesaid office letters/communications, this writ petition is disposed of with direction to the petitioner, as also to the concerned Department, to complete codal-formalities at their respective ends as expeditiously as possible, preferably within six weeks from today.

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

Jyotsna Rewal Dua
Judge

November 2, 2026
R.Atal