IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19355/2026
Decided on: 02.11.2026

Garib Dass …Petitioner

Versus

State of H.P. & Ors. ….Respondents.

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Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners:	**Mr. Arhant Mahajan, Advocate.**
For the respondents:	**Ms. Seema Sharma, Deputy Advocate General.**

Jyotsna Rewal Dua, J

Notice. Ms. Seema Sharma, learned Deputy Advocate General, accepts notice on behalf of the respondents.

The respondents-Public Works Department, though accepted the representation of the petitioner for treating his service as qualifying service for the purpose of releasing pension under the Old Pension Scheme (CCS Pension Rules, 1972), in light of the judgments in ***Sunder Singh Vs. State of H.P. and Ors***[2]***.*** and ***Balo Devi & others Vs. State of Himachal Pradesh and others.***[3], however, declined to grant pension vide Office Order dated 28.02.2025 (Annexure P-4), on the ground that the petitioner had not

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

2 Civil Appeal No. 6309/2017 decided on 08.03.2018

3 Civil Appeal No.4792 of 2022, decided on 18.07.2022.

exercised the option in the prescribed format within the stipulated time frame in terms of Office Memorandum/Notification dated 04.05.2023.

2. Learned counsel for the petitioner submits that the petitioner superannuated from service on 31.03.2015 (Annexure P-2). The petitioner was not aware of the aforesaid Office Memorandum/Notification issued by the respondents, requiring him to opt for switching over to the Old Pension Scheme in the prescribed format and within the stipulated timeline. Learned counsel further submits that this issue has otherwise been adjudicated upon in ***Reshmo Devi Vs. State of Himachal Pradesh & Ors.***[4] The aforesaid decision was affirmed in ***State of Himachal Pradesh & others vs. Reshmo Devi & Another***[5]. However, it is seen from the record that the petitioner has not preferred any representation before the respondents seeking applicability of the judgment in *Reshmo Devi*[4]. At this stage, learned counsel further submits that the petitioner would be content if he is permitted to file a representation before the respondents/Competent Authority seeking applicability of *Reshmo Devi*[4], with a direction to the said authority to decide the same within a time-bound schedule.

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[4] CWP No. 11004/2025 decided a/w connected matters on 10.07.2025

[5] CMP(M) No. 346 of 2026 decided in lead case LPA No. 217 of 2026, decided a/w connected matters on 09.07.2026.

3. Having regard to the above submissions, but without examining the merits of the matter, and notwithstanding impugned order dated 28.02.2025 (Annexure P-4), this petition is disposed of by permitting the petitioner to file a representation within two weeks to respondent No.2, which shall be decided by the said respondent/competent authority within six weeks from the date of receipt thereof, in accordance with law and keeping in view the aforesaid judgment. The decision so arrived at shall be communicated to the petitioner. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

02nd November, 2026 (rohit)