IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19244/2026
Decided on: 30.10.2026

Rakesh Kumar .....Petitioner

Versus

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

.....

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.
Whether approved for reporting?[1]

For the petitioner: **Mr. Arhant Mahajan, Advocate.**

For the respondents: **Ms. Seema Sharma, Deputy Advocate General, for Respondents No.1 & 2.**

Jyotsna Rewal Dua, J

Notice confined to respondents 1 & 2, which is waived by Ms. Seema Sharma, learned Deputy Advocate General.

Considering the grievance of the petitioner, neither notice is required to be issued to respondents No. 3 and 4, nor any reply is required to be called for from the appearing respondents, more so in view of the order being passed hereinafter.

2. The respondents have rejected the case of the petitioner for the grant of pension on the ground that he does not have to his credit 10 years of qualifying service, as required for the purpose of pension. While doing so, in the impugned order dated 01.02.2025 (Annexure P-7), passed by the respondents, it has been taken into consideration that: - the petitioner was declared surplus in

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

respondent Nos. 3 and 4, i.e. H.P. General Industries Corporation Limited, and was subsequently absorbed in the Revenue Department on 11.03.2015; Petitioner's service in the Revenue Department till his superannuation falls short of the requisite qualifying service for the purpose of pension.

3. Learned counsel for the petitioner submits that the petitioner was appointed on secondment basis in the office of the Deputy Commissioner, Una, on 25.05.2011. His services were formally absorbed in the Revenue Department on 11.03.2015. However, during the period w.e.f. 16.06.2011 to 11.03.2015, the petitioner worked under the direct control of the Deputy Commissioner, Una. His salary was paid by the State Revenue Department. He was granted all service benefits, viz. annual increments, pay protection, earned leave, sick leave, gazetted national festival holidays, etc., as well as dearness allowance at par with State Government employees. Therefore, the aforesaid period is also required to be computed while reckoning the qualifying service for the purpose of pension.

4. Th aforesaid is an aspect which requires examination by respondent No. 2 in accordance with law. The impugned order does not at all make any reference to the period of service rendered by the petitioner under the control of respondent No. 2, w.e.f. the date of his employment there on secondment basis till his formal

absorption. For this reason alone, the impugned decision contained in office letter dated 01.02.2025 (Annexure P-7) is quashed and set aside. Respondent No. 2 is directed to consider the case of the petitioner afresh for the grant of the relief claimed by him, in accordance with law, within a period of six weeks. The order so passed shall also be communicated to the petitioner.

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

Jyotsna Rewal Dua
Judge

30th October, 2026(rohit)