IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 18770/2026
Decided on: 27.10.2026

Desh Raj …Petitioner

Versus

UOI & Ors. ….Respondents.

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Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners: **Mr. Sanjay K. Gandhi, Advocate.**

For the respondents: **Mr. Balram Sharma, DSGI.**

Jyotsna Rewal Dua, J

The petitioner, aged about 74 years, superannuated from the service of the respondents-Border Security Force on 28.02.2009. He has filed this writ petition claiming two reliefs, i.e., **(i)** He was prematurely retired by the respondents at the age of 57 years. His date of superannuation has to be taken as 28.02.2010. The petitioner accordingly seeks directions to the respondents to grant him all consequential service benefits till the age of 58 years and a further direction that he should be deemed to have retired on 28.02.2010. **(ii)** The respondents should be directed to fix/grant/pay pension and arrears of pension to the petitioner in accordance with law.

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

2. Insofar as the first relief claimed by the petitioner is concerned, it is the admitted case of the petitioner, as submitted by his learned counsel, that he had accepted his retirement at the age of 57 years, i.e. on 28.02.2009. That being the position, the petitioner cannot be heard to complain, 17 years later, that the respondents had wrongly retired him on 28.02.2009 or that his age of superannuation has to be deemed as 28.02.2010. Petitioner's claim in this regard suffers from unexplained delay, laches, and acquiescence.

Insofar as petitioner's second claim is concerned, the documents appended with the writ petition reflect that petitioner's pension was fixed by the respondents at Annexure P-1 at the time of his superannuation. From the petition, it appears that the petitioner, for the first time, sent a representation to the respondents in the form of a legal notice during the year 2018, alleging incorrect calculation of his pension. The respondents replied to the said legal notice on 26.06.2018 (Annexure P-3), refuting petitioner's allegations. This was followed by repeated representations by the petitioner and repeated rejections by the respondents. During hearing of the case, learned counsel for the petitioner could not demonstrate as to in what manner the respondents had erred in fixing petitioner's pension. The writ petition is neither supported by petitioner's pay slips nor the governing rules have been appended in that regard. In response to a query of the Court, learned counsel for the petitioner, while admitting

that the necessary documents had not been appended with the petition and that there were no corresponding pleadings to that effect in the petition, submitted that an appropriate order be passed in the matter.

In view of above, this writ petition, insofar as petitioner's first claim is concerned, is rejected as being barred by delay, laches, and acquiescence. In respect of petitioner's second claim, this writ petition is disposed of, with liberty reserved to him to file an appropriate petition in accordance with law, with appropriate particulars, pleadings, and supporting documents. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

27th October, 2026(rohit)