IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMP.M No. 1548 of 2026 &
LPA No. 646 of 2026
Decided on : 05.11.2026

State of Himachal Pradesh and others

…Applicants/Appellants

Versus

Karam Chand

…Respondent

Coram
The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.
Whether approved for reporting?[1]

For the applicants/ appellants	**:**	Ms. Priyanka Chauhan, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present application has been filed by the State for condonation of 1 year and 327 days delay in filing the Letters Patent Appeal, which is directed against the judgment passed by the learned Single Judge in ***Civil Writ Petition No. 2989 of 2024,*** titled ***Karam Chand Vs. State of Himachal Pradesh and others,*** dated 24.08.2024.

2. The justification given in the application for condonation of delay is that initially a Letters Patent Appeal was filed on 20.06.2025, which had been returned and then the opinion of the Law Department was taken. Resultantly, a Review Petition was preferred, which was dismissed on 09.03.2026 on

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

the ground of delay of 455 days. In such circumstances, sufficient cause is sought to be made out in filing the present appeal.

3. It is pertinent to notice that the learned Single Judge in the judgment, which is now sought to be challenged, had only directed the payment of pension from 30.06.2020. Regular pension was to be paid to the petitioner from the month of October, 2024 onwards, whereas, arrears were to be paid from 30.06.2020 up to the month of September, 2024, within a period of six months, failing which, the same would entail interest @ 6% from 30.06.2020 onwards.

4. The said petition was filed on the ground that the employee, who was working as Chowkidar in Patwar Circle Ballah, District Hamirpur, H.P., initially on part time basis, was claiming the benefit of the Old Pension Scheme, who did not have the requisite qualifying service of 10 years, having only 8 ½ years of regular service. The benefit of the judgment passed by the Apex Court in ***Civil Appeal No. 4792 of 2022,*** titled ***Balo Devi Vs. State of Himachal Pradesh and others,*** on 18.07.2022, was, therefore, granted to him, as the earlier period of 8 years of daily wage service was to be counted for eligibility for pension, which is to be rounded off accordingly.

5. Thus, it would be clear that the Class-IV employee as such, would be granted the benefit, for which the State was

dilly-dallying. The first Letters Patent Appeal against the judgment dated 24.08.2024 was also examined by the Government only on 17.05.2025, whether it was a fit case for filing an appeal and thereafter, the appeal was filed on 20.06.2025, which had also been noticed by the learned Single Judge while dismissing the Review Petition.

6. The change of track as such, was apparent when the first appeal was not pursued and the Review Petition was then filed on 22.11.2025, which was also beyond a period of one year, which led to the dismissal of the Review Petition on the ground of delay of 455 days on 19.03.2026. Resultantly, the present appeal has been filed on 17.07.2026, which has become hopelessly time barred.

7. We are of the considered opinion that keeping in view the peculiar facts and circumstances, the State cannot keep the sword of Damocles hanging upon a Class-IV employee, who is struggling for grant of his pension and in view of the controversy involved, which is apparently squarely covered against the State, whereby the benefit of rounding off has been given in view of the judgment passed by the Apex Court in ***Balo Devi's*** *case (supra).* Thus, we do not find it a fit case to condone the delay, keeping in view the law laid down by the Apex Court in its judgment passed in ***Chief Postmaster General and others***

Vs. Living Media India Limited and another, (2012) 3 Supreme Court Case 563.

8. In view of the above, we do not find any sufficient cause to allow the application. Accordingly, the application for condonation of delay is dismissed. Resultantly, the Letters Patent Appeal would meet the same fate. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

9. Since, the present appeal is being dismissed on the ground of delay, we are of the considered opinion that the fear of the State that the judgment of the learned Single Judge would be a precedent, since the pension had allegedly been granted retrospectively, will not stand in the way of the State for other cases.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

November 05, 2026
(Shivank Thakur)