IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 18943/2026
Decided on: 26.10.2026

Vijay Mohini Sharma .....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 petitioner: **Mr. C.N. Singh, Advocate.**

For the respondents: **Ms. Menka Raj Chauhan, Deputy Advocate General.**

Jyotsna Rewal Dua, J.

Notice. Ms. Menka Raj Chauhan, learned Deputy Advocate General, accepts notice on behalf of the respondents.

2. The case set up by the petitioner is that she joined service as Trained Graduate Teacher (Arts) on contract basis on 11.06.2015. Her services were regularized on 14.11.2018. At the relevant time, the petitioner was compelled to opt for the New Pension Scheme (NPS), as she was not eligible for the Old Pension Scheme (OPS) since her service on regular basis was being computed with effect from 14.11.2018. That pursuant to the decision rendered in ***Devinder Kumar & Ors. Vs. State of Himachal Pradesh & Anr***[2] the contractual service rendered by the petitioner with effect from 11.06.2015 till the regularization of her services on 14.11.2018 is also liable to be computed

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

[2] CWP No. 3361 of 2025 decided alonwith connected matters on 25.04.2026

for pensionary benefits, therefore, the petitioner is now interested in opting for the Old Pension Scheme, as, in light of *Devinder Kumar*[2], the contractual service rendered by her is also liable to be taken into consideration for the purpose of determining her eligibility for pension. In this manner, the petitioner would also be eligible for pension under the Central Civil Services (CCS) Pension Rules, 1972. Therefore, the petitioner is interested in availing pension under the Old Pension Scheme, i.e., the CCS Pension Rules, and not under the New Pension Scheme, which she had opted for at the relevant time.

Learned counsel for the petitioner submitted that the petitioner has already preferred a representation dated 15.06.2026 (Annexure P-3) in this regard to the respondent authority, which has not been responded to by the respondent till date. Learned counsel further submitted that the petitioner would be content if the respondents are directed to consider the aforesaid representation of the petitioner in accordance with law, as well as in consonance with *Devinder Kumar*[2] and *Dinesh Kumar & Anr. Vs. H.P. Tourism Developments & Ors*[3].

Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of with a direction to the respondents/competent authority to consider and decide the aforesaid representation of the petitioner in accordance with law as well as taking into consideration the above judgments, within a period of six weeks from today. The decision so arrived at shall also be

[3] CWP No. 1720/2024 decided on 26.12.2024

communicated to the petitioner. Pending miscellaneous application(s), if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

26th October, 2026 **(rohit)**