IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19602 of 2026

Decided on: 2nd November, 2026

Hem Raj **.....Petitioner**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Aman Thakur, Advocate.

For the Respondents: Ms. Seema Sharma, Deputy Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Ms. Seema Sharma, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

Taking into consideration the grievance of the petitioner, the order impugned herein and the facts already noticed in the impugned order, there is no necessity to call for reply from the respondents. The matter has accordingly been heard at this stage.

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

2. Respondent No.4 considered the case of the petitioner for grant of pension under the Central Civil Services (Pension) Rules, 1972 and rejected it on 31.07.2025 (Annexure P-2). While rejecting petitioner's case, it was observed in the impugned decision that petitioner had to his credit 07 years, 08 months and 15 days of regular service. That apart he had 01 year of equivalent regular service (on account of 08 years, 11 months and 16 days of daily wage service). In this manner, total regular service to the credit of the petitioner was computed as 08 years, 08 months and 15 days. Holding that regular service to the credit of the petitioner does not meet 10 years qualifying service criteria required under the CCS (Pension) Rules, 1972, petitioner's case was held to be not falling within the ambit of pensionary benefits.

3. The reasons assigned in the impugned office order are not in consonance with ***Sunder Singh Versus The State of Himachal Pradesh & Ors.***[2] and ***Balo Devi & others Versus State of Himachal Pradesh and others***[3]. Relevant portion from the decision rendered in *Sunder Singh*[2] reads as under:-

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[2] Civil Appeal No.6309 of 2017, decided on 08.03.2018
[3] Civil Appeal No.4792 of 2022, decided on 18.07.2022

> *"6. Accordingly, we direct that w.e.f 01.01.2018, the appellants or other similarly placed Class-IV employees will be entitled to pension if they have been duly regularized and have been completed total eligible service for more than 10 years. Daily wage service of 5 years will be treated equal to one year of regular service for pension. If on that basis, their services are more than 8 years but less than 10 years, their service will be reckoned as ten years."*

The above decision has further been clarified in *Balo Devi*[3] as under:-

> *"The intent of this Court was quite clear that:-*
>
> *(a) The services rendered as a regular employee may first be computed.*
>
> *(b) To the service as rendered to above, the component at the rate of one year of regular service for every five years of service as a daily wager, be added.*
>
> *(c) If both the components as detailed in Paras a & b hereinabove, take the length of service to a level of more than eight years but less than ten years, in terms of last sentence of paragraph 6 of the Order, the services shall be reckoned as ten years."*

The benefit of the above decisions has not been restricted to those employees whose services were regularized in terms of the decision in ***Mool Raj Upadhyaya versus State of H.P. and others***[4]. The benefit is applicable to all Class-IV as well as Class-III employees (Ref.: ***Roop Lal vs. State of H.P. & Ors.***[5]) for counting the daily wage service rendered by them for the purpose of qualifying services for grant of pension.

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[4] 1994 Suppl (2) SCC 316
[5] LPA No.196/2022, decided on 11.10.2023

4. In view of above, the impugned order dated 31.07.2025 (Annexure P-2) is quashed and set aside. Petitioner is held entitled to pension under the CCS (Pension) Rules, 1972. Accordingly, there shall be a direction to respondent No.2/competent authority to process the case of the petitioner for grant of pension to him from the due date within a period of six weeks from today. The admissible arrears as also recurring pension shall be released in petitioner's favour within the aforesaid period.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 02, 2026
Mukesh