



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

CWP No. 849 of 2025
Decided on : 06.05.2026

Karam Dass

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioner : M/s Kush Sharma and Jagmohan
Sharma, Advocates.

For the respondents : Mr. Rajpal Thakur, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has, *inter alia*, prayed for the following relief:-

"i. Issue a writ of mandamus or other appropriate writ or direction to consider the case of the petitioner for grant/release of pension w.e.f. 01.04.2025, with all benefits incidental benefits along with 12% interest thereof in terms of the law laid down by the Hon'ble Apex Court in Sunder Singh and Balo Devi's Judgments

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



and decision dated 12.10.2023 passed by this Hon'ble Court in CWPOA No. 7116 of 2020, titled Gambharu Devi Vs. State of H.P. & Ors."

2. The case of the petitioner is that he was appointed on part time basis as a Water Carrier on 23.07.2002. His services were converted into daily wage basis on 15.12.2012. His services were regularized as Class-IV employee on 01.05.2017. Thereafter, he was conferred promotion against the post of Lab Attendant on 31.07.2023 and superannuated as such on 31.03.2025. The petitioner is aggrieved by the fact that he has been denied pension on the ground that he was not having 10 years of service from the date of his regularization as up to the date of his superannuation.

3. Learned counsel for the petitioner submitted that denial of pension to the petitioner in the facts of the case is not justified. He submitted that in the present case, the service rendered by the petitioner upon conversion to daily wage/contingent basis service has to be counted along with regular service to determine qualifying service for pension.

4. On the other hand, Learned Additional Advocate General, by referring to the reply by filed by the respondents,



submitted that in the present case, the petitioner after being appointed initially on part-time basis in the year 2002, was converted to daily wage on 15.12.2012. This conversion was accepted by the petitioner without any protest. Learned Additional Advocate General further argued that thereafter the petitioner was regularized as a Class-IV employee on 01.05.2017 and no protest was lodged by the petitioner that his regularization should be from the year 2012. He thus submitted that in light of these facts, the petitioner is not entitled for payment of pension because the petitioner had not put in 10 years of service as from the date of his regularization up to the date of his superannuation as a Class-III employee. Accordingly, he prayed that the petition be dismissed.

5. I have heard learned counsel for the petitioner as well as learned Additional Advocate General and have also carefully gone through the record and the pleadings.

6. In the present case, the petitioner was converted into a whole time contingent/daily wager on 15.12.2012. Thereafter, his services were regularized on 01.05.2017. He was promoted as a Lab Attendant on 31.07.2023 and he



superannuated as such on 31.03.2025.

7. Hon'ble Coordinate Bench of this Court in *CWP No. 6688 of 2021, titled Bimla Devi Vs. State of H.P. & Ors., decided on 27.06.2025*, has been pleased to hold that full time contingent paid service qualifies for pension for the purpose of computing the qualifying service of an incumbent to receive pension. Hon'ble Coordinate Bench held that the service rendered by the petitioner therein as a full time contingent paid worker till his regularization was eligible to be counted towards qualifying service and a mandamus was issued to the respondents to consider and decide the case of the petitioner for grant of family pension in light thereof.

8. In view of the law so declared by the Hon'ble Coordinate Bench, the contingent service rendered by the petitioner after his status was converted to a daily wager with effect from 15.12.2012, has to be treated as qualifying service along-with regular service rendered by him to compute the total service rendered by the petitioner, to ascertain as to whether the petitioner is eligible to receive pension or not. As the services of the petitioner were converted to contingent paid



daily wager with effect from 15.12.2012 and as from the said date, the petitioner had completed more than 10 years of service when he superannuated on 31.03.2025, the petitioner, of course, is entitled for pension.

9. Accordingly, this writ petition is allowed by directing the respondents to treat the contingent/daily wage service rendered by the petitioner after completion of 10 years of service as a part time worker with effect from 15.12.2012 up to the date of his regularization along-with regular service rendered by him as qualifying service for pension and treat the petitioner eligible for pension having completed 10 years of service as such.

10. However, it is clarified that the period during which the petitioner served as a contingent daily wager shall not be taken into consideration for confirmment of any other benefit and the same will also not increase the number of years put in by the petitioner for the purpose of calculating pension and it shall be construed that the petitioner has put in only 10 years of service so as to render him eligible to receive pension. Pension be paid to the petitioner as from the date when he



superannuated in accordance with law along with arrears.

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

(Ajay Mohan Goel)
Judge

May 06, 2026
(Shivank Thakur)