

2026:HHC:15825**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA****CMP(M) Nos. 333, 429, 432,
435, 436 & 531 of 2026 a/w
LPA Nos. 268 to 270 of
2026.****Date of decision: 08.05.2026**

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1. **CMP (M) No. 333 of 2026 in LPA No. 268 of 2026**
Municipal Corporation, ShimlaAppellant

Versus

Jagdish Kumar & others ...Respondents
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2. **CMP (M) No. 429 of 2026 in LPA No. 269 of 2026**
Municipal Corporation, ShimlaAppellant

Versus

Hanumant & others ...Respondents
-
3. **CMP (M) No. 432 of 2026 in LPA No. 270 of 2026**
Municipal Corporation, ShimlaAppellant

Versus

Baldev Kumar & others ...Respondents
-
4. **CMP (M) No. 435 of 2026 in LPA No. 271 of 2026**
Municipal Corporation, ShimlaAppellant

Versus

Bharat Bhushan & others ...Respondents
-

5. **CMP (M) No. 436 of 2026 in LPA No. 272 of 2026**

Municipal Corporation, ShimlaAppellant

Versus

Davinder Pal Singh & others ...Respondents

6. **CMP (M) No. 531 of 2026 in LPA No. 273 of 2026**

Municipal Corporation, ShimlaAppellant

Versus

Usha Chauhan & others ...Respondents

Coram:

The Hon'ble Mr. Justice G.S. Sandhwalia, Chief Justice.
The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.
Whether approved for reporting?¹

For the Appellant(s): Mr. Mukul Sood, Advocate.

For the Respondents/State: Mr. Rakesh Dhaulta,
 Additional Advocate
 General.

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

The present set of appeals filed by the appellant(s) are directed against the judgments passed by the learned Single Judge in ***CWP No. 9867 of 2024***, titled as ***Jagidsh Kumar Vs. State of Himachal Pradesh & others***, dated 12.09.2024, ***CWP No. 10214 of 2024***, titled as ***Hanumant Vs. State of Himachal***

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

Pradesh & others, dated 17.09.2024, **CWP No. 9863 of 2024**, titled as **Baldev Kumar Vs. State of Himachal Pradesh & others**, dated 12.09.2024, **CWP No. 9871 of 2024**, titled as **Bharat Bhushan Vs. State of Himachal Pradesh & others**, dated 12.09.2024, **CWP No. 9755 of 2024**, titled as **Devinder Pal Singh Vs. State of Himachal Pradesh & others**, dated 10.09.2024 and **CWP No. 10212 of 2024**, titled as **Usha Chauhan Vs. State of Himachal Pradesh & others**, dated 17.09.2024.

2. While passing the impugned orders, the learned Single Judge has directed consideration of the cases of the writ petitioners in terms of the judgment passed in **Civil Writ Petition (Original Application) No. 195 of 2019**, titled as **Sheela Devi Vs. State of Himachal Pradesh & others**, decided on 26.12.2019, while quashing the order dated 03.07.2024 (Annexure P-9).

3. The present set of appeals are barred by the periods, which are given below:-

Sr.No.	CMP (M) No.	Delay
1.	CMP (M) No. 333 of 2026	1 Year 150 days
2.	CMP (M) No. 429 of 2026	1 Year 145 days
3.	CMP (M) No. 432 of 2026	1 Year 151 days

4.	CMP (M) No. 435 of 2026	1 Year 150 days
5.	CMP (M) No. 436 of 2026	1 Year 152 days
6.	CMP (M) No. 531 of 2026	1 Year 146 days

4. It is to be noticed that in another set of six cases i.e. **CMP (M) No. 323 of 2026** titled as **Municipal Corporation, Shimla Vs. Sushma Sharma & others alongwith other connected matters**, similar appeals had been preferred by the Municipal Corporation, Shimla, whereby we had dismissed the applications for condonation of delay for approximately the same period as well as the appeals on 24.04.2026, not only on account of fact that there was no sufficient cause made out to condone the delay in filing the appeals, but also in view of the fact that only consideration had been ordered by the learned Single Judge to decide the cases of the writ petitioners in view of the earlier order passed by this Court in **Sheela Devi's** case, (*supra*). The relevant part of the aforesaid order reads as under:-

*“6. The perusal of the directions issued would also go on to show that consideration has been ordered to decide the cases of the petitioner(s) in view of the earlier order passed in **CWPOA No. 195 of 2019**, titled as **Sheela Devi vs. State of H.P. & Ors.**, decided on 26.12.2019, since the relief has been sought for counting the*

contractual period for the purposes of qualifying service for the grant of pension since the regularization was ordered after almost 10 years.

7. *Counsel for the appellant(s) pointed out that similar application was also dismissed by the Coordinate Bench in **CMP(M) No. 229 of 2026**, titled as **Municipal Corporation, Shimla vs. Shanti Swaroop**, dated 02.04.2026 by noting the same facts and mere moving of files from one department to another would not constitute sufficient cause.*

8. *In such circumstances, we are not inclined to take a different view and accordingly the applications for condonation of delay are dismissed and resultantly, the appeals also meet with the same fate.”*

5. Resultantly, keeping in view the above, the observations made by the learned Single Judge, whereby consideration had been directed for counting the contractual period for the purposes of qualifying service over a period of 10 years for grant of pension, does not suffer from any infirmity.

6. It is not disputed that the judgment in **Sheela Devi's** case (*supra*) was not interfered with by the Apex Court in **SLP (Civil) No. 10399 of 2020**, titled as **State of Himachal Pradesh & another Vs. Sheela Devi,**

decided on 07.08.2023 (Annexure P-7). The relevant part of the judgment reads as under:-

“9. The Learned Advocate General is correct in his interpretation, inasmuch as a facial reading of Rule 2(g) would indicate that contractual employees are excluded from the pale of Pension Rules. However, what is significant is that the rule itself in its opening terms saves the application of other provisions of the pension rules: “Save as otherwise provided in these rules”. If the opening phrase of Rule 2 were to be understood in this context, any interpretation of Rule 17 as is urged by the State would render such substantive provision redundant. Rule 17 was engrafted essentially to cater to the eventuality, where the employees working on contract basis were regularized at a later stage. It is only for the purposes of pension that the past service as a contractual employee is 8 to be taken into account.

10. So far as the other arguments with respect to the voluntariness when the employees enters into contractual services is concerned, this Court is unpersuaded by the submission because those terms were applicable as long as the employees remained on contract. However, his or her status ceased upon regularization.

11. In view of the above reasoning, this court is of the opinion that there is no merit in the appeal however, the following directions are issued:-

(i) The state shall take immediate steps to indicate the mode and manner of exercising option by all the employees concerned (who had been regularized after spells of contractual

employment) regardless of the dates on which they were engaged i.e. prior to the year 2003 or subsequently, within a time frame, of within eight weeks from today.

(ii) After receiving the options within the time indicated in the notice, the concerned employee(s) who exercise the relevant options should be notified about the amounts they would have to remit in case any amount towards contribution is required, clearly.

(iii) The options should be processed and completed within eight weeks from the last date of receiving options.

(iv) Time limit for payment too should be indicated and entire process should be completed within four months and all orders fixing pensions or family pension as the case may be, shall be issued.

12. The appeal is disposed of in the above terms. Pending application(s), if any, are also disposed of."

7. In such circumstances, we are of the considered opinion that since the matter has obtained the seal of the Apex Court, no exception can be made in the order of the learned Single Judge.

8. We accept the request of the learned Counsel for the Corporation that if consideration is made within a period of six weeks from today, the execution as such will not be pressed by the employees till the said period.

9. Accordingly, the applications for condonation of delay are dismissed and resultantly, the appeals also meet with the same fate.

(G.S. Sandhawalia)
Chief Justice.

May 08, 2026
(hemlata)

(Jiya Lal Bhardwaj)
Judge.