

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No: 2325 2025

Decided on: 13.02.2025

Kaushlya Devi

...Petitioner

Versus

State of H.P. & Others

...Respondents

Coram:

HON'BLE MR. JUSTICE RANJAN SHARMA, VACATION JUDGE

WHETHER APPROVED FOR REPORTING? *No.*

For the petitioner : Mr. K.S. Parma, Advocate.

**For the respondents : Mr. L.N. Sharma, Additional
Advocate General.**

Ranjan Sharma, Judge

The petitioner has filed the writ petition with the following substantive prayer(s):-

- (i) That the Respondents may kindly be directed to grant the similar benefit as has been granted in CWP 2274 of 2021 titled as Satya Devi vs. State of H.P. along with other connected matters with all consequential benefits.
- (ii) That the respondents may very kindly be directed to allow the petitioner to join the services as a class IV Employee or in the alternate the Respondents may very kindly be directed to release the pay Remaining 2 (Two Years) as directed by the Hon'ble Court in CWP 2274 of 2021 titled as Satya Devi vs. State of H.P.

2. The grievance of the petitioner is that the petitioner was initially appointed as a Class IV employee on Part Time basis in the year 2002 and she was converted as Daily Wager on 31.12.2012. The petitioner was regularized on 24.05.2017. The petitioner retired from Government service on 31.08.2024 [Annexure P-2], at the age of 58 years, ignoring the fact that petitioner being a Class-IV employee is entitled to continue in service upto the age of 60 years, in terms of the mandate of this Court, in CWP No.2274 of 2021 titled as **Satya Devi versus State of Himachal Pradesh** and others decided on 28.05.2024.

3. Upon listing of this case Mr. L.N. Sharma, Additional Advocate General, waives service of notice on behalf of the respondents.

4. Learned State Counsel submits that the claim of the petitioner for continuity-reinstatement in terms of the judgement in **Satya Devi's** case (supra), shall be examined by the competent authority, in accordance with law, and if, the case of the petitioner is found to be similarly placed, then, appropriate orders in accordance with law shall be passed.

5. Taking into account the entirety of the facts and circumstances and with the consent of Learned Counsels for the parties herein, this Court disposes of the instant writ petition at this stage leaving all questions open, with the following directions:-

- (i). Respondent No.2-Deputy Director, Higher Education, Himachal Pradesh shall examine the claim of the petitioner for continuity in service upto the age of 60 years, [i.e. upto 31.08.2026] in terms of the judgement passed by the Principal Division Bench of this Court in **CWP No. 2274 of 2021 Satya Devi versus State of Himachal Pradesh and others decided on 28.05.2024** in accordance with law after affording personal hearing to the petitioner within three weeks from today;
- (ii). Upon consideration, if the claim of petitioner is found to be similarly placed and covered in terms of the judgement in **Satya Devi's** case (supra) then, further consequential action of reinstatement and release of admissible service benefits, if any, to the petitioner be taken by Respondents within the aforesaid period;
- (iii). Parties to bear respective costs.

In aforesaid terms, the instant writ petition as well as the pending miscellaneous application(s), if any, also stand disposed of.

(Ranjan Sharma)
Vacation Judge

February 13, 2025
(Pardeep/Kiran)