



IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CWPOA No.7310 of 2020
a/w connected matters

Decided on: 28.11.2025

1. CWPOA No.7310 of 2020

Roop LalPetitioner

Versus

Municipal Corporation, ShimlaRespondent

2. CWP No.1713 of 2019

Prem Singh and othersPetitioners

Versus

Municipal Corporation, ShimlaRespondent

3. CWP No.1895 of 2019

Ramesh SinghPetitioner

Versus

Municipal Corporation, ShimlaRespondent

4. CWP No.1896 of 2019

Manjeet SinghPetitioner

Versus

Municipal Corporation, ShimlaRespondent

5. CWP No.1897 of 2019

Kamal KishorePetitioner

Versus

Municipal Corporation, ShimlaRespondent

6. CWP No.1934 of 2019

Narinder Kumar and anotherPetitioners

Versus

Municipal Corporation, ShimlaRespondent

7. CWP No.1935 of 2019

Khem RajPetitioner

Versus

Municipal Corporation, ShimlaRespondent

**8. CWP No.1961 of 2019**

Sunil Kumar and othersPetitioners

*Versus*State of Himachal Pradesh & Ors.Respondents

9. CWP No.1974 of 2019

Rekha and anotherPetitioners

*Versus*Municipal Corporation, ShimlaRespondent

10. CWP No.2031 of 2019

Parkash Chand and othersPetitioners

*Versus*The State of Himachal Pradesh & Ors.
....Respondents

11. CWP No.2038 of 2019

Sat Pal and othersPetitioners

*Versus*State of Himachal Pradesh & Ors.Respondents

12. CWP No.2550 of 2019

Sunder Singh and othersPetitioners

*Versus*State of Himachal Pradesh & Ors.Respondents

13. CWPOA No.4380 of 2020

Dilip Singh and othersPetitioners

*Versus*Municipal Corporation, ShimlaRespondent

14. CWPOA No.5546 of 2020

Viru @ Veer Bahadur and othersPetitioners

*Versus*Municipal Corporation and Ors.Respondents

15. CWPOA No.6828 of 2020

GhanshyamPetitioner

*Versus*Municipal Corporation, ShimlaRespondent



16. CWPOA No.7273 of 2020

Het Ram

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

17. CWPOA No.7313 of 2020

Hans Raj

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

18. CWPOA No.7319 of 2020

Sunil Kumar

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

19. CWPOA No.7320 of 2020

ShyamLal

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

20. CWPOA No.7340 of 2020

Asha Ram and others

...Petitioners

Versus

Municipal Corporation, Shimla

...Respondent

21. CWPOA No.7341 of 2020

Amar Singh

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

22. CWPOA No.7347 of 2020

Vinod Kumar

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent

23. CWPOA No.7348 of 2020

Happy

...Petitioner

Versus

Municipal Corporation, Shimla

...Respondent



24. CWP No.6870 of 2021

Pradeep Kumar

....Petitioner

Versus

State of HP and others

....Respondents

25. CWP No.6871 of 2021

Sanjay and another

....Petitioners

Versus

State of HP and others

....Respondents

AND

26. CWP No.6299 of 2022

Tej Ram

....Petitioner

Versus

State of H.P. and others

....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting? No.*

For the petitioner(s): Mr. Guna Nand Verma; Mr. Jai Ram Sharma, Advocates; Ms. Babita Chauhan, Advocate vice Mr. A.K. Gupta, Advocate; and Mr. Mohan Sharma, Advocate, for the petitioner(s), in the respective petitions.

For the respondents: Mr. Mukul Sood, Advocate, for the Respondent-Municipal Corporation, Shimla, in all the petitions.

Mr. Navlesh Verma, Additional, Advocate General, for the Respondent(s)-State, in the respective petitions.

Mr. Lokendar Paul Thakur,

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



Senior Panel Counsel, for the
Respondent-Accountant General,
in respective petitions, except CWP
No.2550 of 2019.

Mr. Rangil Singh, Advocate, for the
Respondent-Account General, in
CWP No.2550 of 2019.

Ranjan Sharma, Judge

CWPOA Nos.5302 of 2019 & 6621 of 2020

As prayed for by Ms. Babita Chauhan,
Learned Vice Counsel and Mr. Mohan Sharma,
Learned Counsel for the petitioners [*appearing in
CWPOA No.5302 of 2019 & CWPOA No.6621 of 2020,
respectively*] that these petitions are de-linked from
CWPOA No.7310 of 2020. Ordered accordingly. In these
petitions separate orders are being passed.

2. Since common question is involved and
prayer(s) are identical, therefore, with the consent of
parties, all these cases are taken up for disposal
together, at this stage.

3. Learned Counsel for petitioner(s), in respective
petitions submits that ends of justice will suffice, in
case, *CWPOA No.7310 of 2020, In Re; Roop Lal
Versus Municipal Corporation, Shimla*, be treated as
‘Lead Case’ for adjudication of the connected cases



listed today [28.11.2025]. [Statement Taken on Record].

4. Petitioner in '**Lead Case**', namely Roop Lal, initially filed an *Original Application No.3202 of 2019* before Learned State Administrative Tribunal and after abolition of the Tribunal, the matter stood transferred to this Court, as *CWPOA No.7310 of 2020*, wherein, the petitioner has sought the following relief:-

"7(a) That the present OA may kindly be allowed and directing the respondent to place Applicant under the Old GPF scheme and allot GPF number instead of CPF number, as per latest Hon'ble Apex Court decision in a case titled as Apex Court Judgment titled as "State of Punjab & Haryana vs Harbans Lal."

FACTUAL MATRIX IN 'LEAD CASE' [CWPOA NO.7310 OF 2020]:

5. Case set up by Learned is that the petitioner was initially engaged as daily waged *Mazdoor* in December 1998 in Respondent-Corporation and he continued to work till his regularization w.e.f. 01.01.2007 and though the petitioner was to be governed by Old General Provident Fund Scheme [**in short 'Old GPF Scheme'**] and *Central Civil Services [Pension] Rules, 1972* [**in short CCS [Pension] Rules, 1972**], for treating the entire period of daily wage service followed by regular service as qualifying service towards



pension. It is further averred that the Respondent-Corporation has erroneously placed the petitioner in *New Contributory Provident Fund Scheme [in short 'New CPF Scheme']* issued by the Government during the year 2003. It is further averred that as per Rule 2 (h) of CCS [Pension] Rules, 1972, once the petitioner was appointed in December 1998 prior to 15.05.2003, therefore, the petitioner was to be governed by CCS [Pension] Rules, 1972 and not by New CPF Scheme/Rules and this action has resulted in depriving the petitioner of the benefit of this for entire service to be treated as qualifying service, on regularization for pension etc.

5(i). It is further averred that as per judgment of the Hon'ble Apex Court in ***State of Punjab and Haryana Versus Harbans Lal***, the incumbents who were employed as daily wagers, *ad hoc* or temporary prior to CPF Scheme were to be governed by GPF Scheme and were held entitled for pension and therefore, based on the judgment in the case of ***Harbans Lal***, the claim for governing the petitioner for GPF and for resultant pension was asserted in



the instant petition. It is further averred that the petitioner has raised his grievance time and again with Respondent-Corporation but till day, Respondent-Corporation has not redressed his grievances. It is further averred that action of the Respondent-Corporation in denying the benefit of Old GPF Scheme and resultant pension to the petitioner as per CCS [Pension] Rules, 1972 and the judgment in the case of **Harbans Lal [supra]** was claimed to be violative of Articles 14, 16 and 21 of the Constitution of India.

**STAND OF RESPONDENT-MUNICIPAL CORPORATION,
SHIMLA, IN REPLY-AFFIDAVIT:**

6. Pursuant to issuance of notice on 24.07.2019, Municipal Corporation, Shimla, has filed *Reply-Affidavit dated 05.04.2021 of Commissioner.*

6(i). *In Preliminary Submissions of the Reply-Affidavit*, the stand of Respondent-Corporation is that CCS [Pension] Rules, 1972 were amended vide Notification issued by the State Government on 15.05.2003 and Clause (i) to Rule 2 of the said Rules was inserted, whereby, the provisions of these Rules were made inapplicable to all appointments made



under the State Government on or before 15.05.2003.

Reply-Affidavit further indicates that the State Government notified *The Himachal Pradesh Civil Services Contributory Pension Rules, 2006* on 17.08.2006 which regulated the claim for Contributory Pension to those persons who were appointed on or before 15.05.2003. It is further averred that the Respondent-Corporation has adopted *The Himachal Pradesh Civil Services Contributory Pension Rules, 2006* also.

6(ii). In this backdrop, Respondent-Corporation has stated that the petitioner(s) was/were appointed on regular basis on 05.12.2008 after 15.05.2003 and therefore, the application for CCS [Pension] Rules, 1972 was ousted in case of persons appointed after 15.05.2003 alike the petitioner. It is further averred that the petitioner was appointed in substantive capacity upon regularization w.e.f. 05.12.2008 and, therefore, as per Rule 2 (i) of CCS [Pension] Rules, 1972, the claim of the petitioner for pension was not tenable and these Rules were inapplicable to the petitioner. *Reply-Affidavit* further indicates that the petitioners were to be governed by *The Himachal*



Pradesh Civil Services Contributory Pension Scheme,

2006 as the petitioner(s) were appointed after 15.05.2003 in substantive capacity. *Reply-Affidavit* indicates that the petitioner(s) have invoked the extraordinary jurisdiction of this Court, after sleeping over their rights and remedy for about 10-11 years and, therefore, the claim suffers from *delay and laches*.

6(iii). *In Para 6 (v) of the Reply-Affidavit,* the Respondent-Corporation has stated the CCS [Pension] Rules, 1972 and The General Provident Fund [Central Services] Rules, 1960 are two separate set of Rules. It is further averred that The General Provident Fund [Central Services] Rules, 1960 relate to admissibility of Provident Fund upon contribution to be made by the employees covered under the said Rules, whereas, the CCS [Pension] Rules, 1972 regulate the claim for pension of Government Servants who were covered under the said Rules. *Reply-Affidavit* specifically states that subscription to GPF by an employee alike the petitioner does not make him eligible for pensionary benefits under the CCS [Pension]



Rules, 1972.

6(iv). It is further averred that the judgment in the case of ***Harbans Lal [supra]*** is distinguishable and not applicable to the fact-situation of this case, wherein, the employee, namely, Harbans Lal was a work charged employee who had been subscribing towards GPF as per applicable Rules from 2004 and in this background, Punjab and Haryana High Court and the Hon'ble Supreme Court directed that period of work charged service be treated as qualifying service for pension. It is averred that in the instant case, petitioner is not a Member of General Provident Fund as no GPF subscription was received from the petitioner. It is further averred that the entire services rendered by the petitioner on daily waged basis cannot be taken as qualifying service for pension.

It is in this backdrop, the claim has been made for dismissal of the writ petition.

INSTRUCTIONS FURNISHED BY RESPONDENTS:

7. *During the pendency of the instant petitions, the Respondents have furnished Instructions dated 07.05.2025 stating that the matter is under consideration of the State Authorities, which read*



as under:-

“No. ULB-H (E) (3)-51/2020-15523-24

Directorate of Urban Development,
Himachal Pradesh.

Dated Shimla 7th May, 2025

From

The Director,
Urban Development,
Himachal Pradesh.

To

Ld. Advocate General,
Himachal Pradesh,
Shimla-171002.

Sir,

Subject: CWPOA No. 7310/2020- in OA No. 3202/2019-titled as RoopLal Vs Municipal Corporation Shimla & Ors a/w CWP No.1713, 1895 to 1897, 1934, 1935, 1961. 1974, 2031, 2038, 2550 of 2019, CWPOA Nos. 4380, 5302, 5546, 6621, 6828, 7273, 7313, 7319, 7320, 7340, 7341, 7347, 7348 of 2020, CWP Nos. 6670, 6871 of 2021 and CWP No. 6299 of 2022.

Kindly refer to your letter No. CWPOA 7310/2020-17260 dated 07.04.2025 on the subject cited above.

In this regard, it is submitted that as detailed in earlier communication dated 12.11.2024, matter regarding **implementation of Old Pension Scheme in respect of employees of Urban Local Bodies appointed on or after 15.05.2003 covered under New Pension System (NPS) and bring them under the provisions of H.P. Municipality Employees (Pension, Gratuity & General Provident Fund) Rules, 2000 was discussed during the Review Meeting held on 06.11.2024** under the Chairmanship of Principal Secretary (UD) to the Government of H.P in which



decision was taken to call additional information regarding Income, Expenditure and Liabilities for the next 15 years (i.e. Financial Year 2024-25 to 2038-39) relating to each Urban Local Body which stand supplied to the State Govt. after obtaining from Urban Local Bodies.

Thereafter the Administrative Department (i.e. Urban Development Department) has examined the aforesaid matter in consultation with the Finance Department who have advised that "the matter may be examined and decided by the appropriate authority which is competent to re-vise/review/restore the pension scheme namely, H.P. Municipality Employees (Pension, Gratuity, GPF) Rules, 2000, ***keeping in view the financial resources of the ULB's to sustain the scheme in future.*** The yearly additional fund flow too need to be calculated by the Department before a final decision is taken by Competent Authority since several Urban Local Bodies don't have adequate funds to meet the committed liabilities". ***Now as intimated vide letter dated 03.05.2025 (copy enclosed), the matter has been re-examined at A.D level*** wherein it has been decided to take up the matter with Finance Department again for their advice/concurrence as this process will take some more time. **As such, matter is under active consideration of the State Govt. which may take some more considerable time to take final decision on the matter yet.**

Encl: As Above.

Yours faithfully,

Sd/-
Director
Urban Development,
Himachal Pradesh."

7(i). Likewise, the operative part of *Instructions*



dated 11.07.2025; 21.08.2025; and 02.09.2025 read

as under:-

Operative Part of Instructions dated 11.07.2025:-

“.....In this regard, it is submitted that in continuation to this office letter dated 07.05.2025 and as per information imparted orally by the official of the Urban development Branch H.P. Secretariat that ***matter is still under consideration with the Finance Department to the Govt. of H.P.*** as also detailed in earlier communication dated 07.05.2025 which may take some considerable time to take final decision on the matter yet.”

Operative Part of Instructions dated 21.08.2025:-

“.....In this regard, it is submitted that as detailed in earlier letter dated 11.07.2025, ***the matter is still under consideration with the Finance Department to the Govt. of H.P.*** as also detailed in earlier communication dated 07.05.2025 and 11.07.2025 which may take some time for final decision on the matter yet.”

Operative Part of Instructions dated 02.09.2025:-

“.....In this context, it is submitted that ***decision of the Govt. in the above matter is still awaited from the Govt. Therefore, it is, again requested to kindly consider the matter at Govt. level in respect of employees of ULBs appointed on or after 15.05.2003 and covered by NPS to opt H.P. Municipality Employees (Pension, Gratuity & GPF) Rules, 2000, please.***”



8. Heard, Mr. Guna Nand Verma; Mr. Jai Ram Sharma; and Ms. Babita Chauhan, Advocate vice Mr. A.K. Gupta, Learned Counsel(s), for the petitioners, in respective petitions; and Mr. Mukul Sood, Learned Counsel; Mr. Navlesh Verma, Learned Additional Advocate General; Mr. Lokendar Paul Thakur, Learned Senior Panel Counsel; and Mr. Rangil Singh, Learned Counsel, for the Respondent(s), in respective petitions.

9. *In the backdrop of the stand in the Reply-Affidavit and the stand now taken in the Instructions furnished by the Respondents to this Court, Learned Counsels representing the petitioners, in respective petitions, on Instructions, submit that their claim regarding pension is pending with the State Government and the petitioners shall be satisfied, in case, the State Authorities are directed to examine their claims and pass the consideration orders expeditiously, as their matter is pending since long. [Statement Taken on Record].*

10. *Per contra, Learned State Counsel and Learned Counsel for Respondent-Corporation based on the Reply-Affidavit and the Instructions furnished*



to this Court, jointly represent, that the decision is to be taken on the pending matter by the State Authorities after considering various aspects.

11. *Without commenting* upon the admissibility/inadmissibility of the claim for General Provident Fund [GPF] and/or *pension*, and in view of the statement made by Learned Counsel(s) for the petitioners and the fact that claim is pending since long, the inaction of Respondents-Authorities in keeping the consideration pending or in abeyance is not in true spirits, which is deprecated.

DIRECTIONS:

12. In view of the above discussion and the statement made by Learned Counsel(s) for petitioners and leaving all questions open, *all these writ petitions, are disposed of, in the following terms:-*

- (i) State Authorities shall examine the pending claim of the petitioners as in aforesaid *Instructions* furnished to this Court dated 11.07.2025; 21.08.2025; 02.09.2025; and 07.05.2025 and thereafter to pass an appropriate consideration order, in accordance with law, within two months from today;
- (ii) Needless to say, that this Court, has neither adverted to the rival claims/contentions



nor the admissibility/inadmissibility of claim
either for General Provident Fund or for
Pension whichever, which shall be examined-
considered by the State Authorities
independently, within the above period;

- (iii) Subject to the outcome of the consideration
by the State Authorities; the parties shall be
at liberty to seek appropriate recourse, in
accordance with law, if so desired; and
- (iv) Parties to bear respective costs.

In aforesaid terms, the instant petitions
and all pending miscellaneous application(s), if any,
shall accordingly stand disposed of.

(Ranjan Sharma)
Judge

November 28, 2025
[Bhardwaj]