



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.5326 of 2022

Decided on: 26.11.2025

Raj Kumari

....Petitioner

Versus

State of H.P. & Ors.

...Respondents

Coram

Ms. Justice Jyotsna Rewal Dua

¹ *Whether approved for reporting?*

For the petitioner: Mr. Vijay Bir Singh, Advocate.

For the respondents: Ms. Menka Raj Chauhan, Deputy
Advocate General.

Jyotsna Rewal Dua, Judge

CMP No. 27895 of 2025

Allowed and disposed of.

CWP No. 5326 of 2022

2. At the age of 76 years, petitioner instituted this writ petition, seeking following substantive relief:-

“(i) That the respondents may very kindly be directed to count the seniority of the petitioner by giving her whole time status w.e.f. due date i.e. from the year 1995 notionally onwards and thereafter, the petitioner may kindly be considered for pensionary benefits under old pension scheme applicable before 2003 for the purpose

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



of pension and seniority benefits.”

3. Heard learned counsel for the parties and considered the case file.

It is not in dispute that petitioner was appointed as part-time Water Carrier on 20.02.1987 in the respondent, Elementary Education Department. Her services were converted to Whole Time Contingent Paid Employee on 16.04.1999. On availability of vacancy in the regular Class-IV cadre, petitioner's services were regularized as per her seniority and she joined as regular Class-IV employee on 15.11.1999. On attaining the age of superannuation i.e. 60 years, petitioner retired from services on 28.02.2006.

4. Petitioner firstly claims that her Whole Time Contingent Paid services are required to be counted towards qualifying service for the purpose of pension. Respondents dispute this assertion.

Even if petitioner's Whole Time Contingent Paid services are counted, then also petitioner would not be entitled to pension as in that eventuality, total service rendered by her would still be way short of ten years of qualifying service required for the purpose of pension under



the Central Civil Services (Pension) Rules, 1972.

Learned counsel for the petitioner next submitted that petitioner ought to have been given Whole Time Contingent Paid status w.e.f. the year 1995, she was wrongly conferred Whole Time Contingent Paid status on 16.04.1999.

This prayer, at this belated stage, cannot be examined. In case petitioner had any grievance for not being given the Whole Time Contingent Paid status from the due date, it was for her to raise a grievance at the relevant point of time. It is not disputed that petitioner had accepted conferment of Whole Time Contingent Paid status accorded to her on 16.04.1999. She also accepted her regularization ordered on that basis on 15.11.1999. Admittedly, there had been no representation from the petitioner to her employer much less her taking recourse to any legal remedy at the appropriate point of time for seeking Whole Time Contingent Paid status from an anterior date. The claim made by the petitioner, at this stage, is not only stale, but also not supported by any explanation for the delay.



5. Consequently, the present writ petition fails and is dismissed.

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

Jyotsna Rewal Dua
Judge

November 26, 2025
R.Atal