



**IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

CWPOA No.5816 of 2019

Decided on: 31.08.2026

Dr. M.R. Lamba

.....Petitioner

Versus

State of Himachal Pradesh and others

....Respondents

Coram

Hon'ble Mr. Justice Ranjan Sharma, Judge

¹ *Whether approved for reporting? No*

For the petitioner:

Mr. Ashwani Kaundal, Advocate.

For the respondents:

Mr. Rahul Thakur, Deputy
Advocate General, for
respondents No.1 and 2-State.

Mr. Lokendar Paul Thakur,
Senior Panel Counsel, for
respondent No.3-Account
Officer [Pension], O/o
Accountant General, Shimla.

Ranjan Sharma, Judge

Petitioner-Dr. M.R. Lamba, initially filed an Original Application No.4968 of 2015, before Learned State Administrative Tribunal and after the abolition of Tribunal, the matter stood transferred to this Court as CWPOA No.5816 of 2019, seeking the following reliefs:-

- “1 (a) To quash the Annexure A-1 and further direct the respondent to revise the pension of the applicant to the tune of Rs.25,998/- per month w.e.f. 1.1.2006.

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



- (b) To direct the respondent to pay the non-practising allowance to the applicant @ 25% of the revised pay scale w.e.f. 01-01-2006.
- (c) To direct the respondent to pay the arrear on the revised pension as mentioned above to the applicant w.e.f. 1.1.2006 alongwith interest @ 18%.”

2. Case as set up by Learned Counsel is that the petitioner was appointed as Medical Officer on 16.02.1970 and he retired from service by seeking voluntary retirement on 19.01.1996. At the time of his retirement, the petitioner was granted benefit of Non-Practising Allowance [NPA] and the said NPA was counted for the purposes of calculating the admissible retiral benefits to the petitioner but while giving the benefit of revised pay scales in terms of Government Notification dated 26.08.2009 [Annexure A/3] and the revised pension w.e.f. 01.01.2006, the benefit of revised NPA has not been extended to the petitioner resulting in giving less amount of revised retiral benefits till day.

3. Learned Counsel for the petitioner places reliance on the Division Bench judgment in **LPA No.178 of 2021**, titled as **State of Himachal Pradesh and others v. Dr. D.R. Bharwal (deceased) through LRs**



and others and connected matters, to assert that the

Medical Officers were given revised retiral benefits, by calculating the same, on the basis of the revised/enhanced NPA w.e.f. 01.01.2006.

4. Learned Counsel for the petitioner, on Instructions, states that he shall be satisfied, in case, State Authorities are directed to examine the case of the petitioner in the light of the judgment in the case of Dr. Bharwal [supra] and to other Medical Officers in terms of the said judgment.

5. Per contra, Learned State Counsel submits that, in case, the petitioner makes a fresh representation within two weeks from today, then, the case of the petitioner shall be examined, in the light of the judgment rendered in the case of Dr. D.R. Bhardwal [supra], in case, the same has attained finality and benefits have been extended to the aforesaid incumbents and others, if any.

6. In above backdrop, the instant petition is disposed of, *in the following terms:-*

- (i) As prayed, petitioner shall make a fresh representation, for asserting his claim, to the Respondent No.1-Additional Chief Secretary/



Principal Secretary [Health] to the
Government of Himachal Pradesh, within a
period of two weeks from today;

- (ii) Upon receipt of representation, the State Authorities shall examine the claim of the petitioner for revised retiral benefits, by taking into account the revised NPA, in terms of the judgment passed in case of Dr. D.R. Bharwal [supra];
- (iii) *Needless* to say that this Court has not examined the merits of controversy and the State Authorities are free to decide the matter in accordance with law and to pass a speaking order, within six weeks thereafter, after affording an opportunity of hearing to the petitioner, if so desired;
- (iv) In case of acceptance of representation, the admissible consequential benefits, if any, shall entail; and
- (v) Parties to bear respective costs.

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

(Ranjan Sharma)
Judge

August 31, 2026
[Bhardwaj]