



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWPOA No. 6144 of 2019

Decided on: 21st April, 2026

Saroj		Petitioner.
	Versus	
State of H.P. & Ors.		...Respondents.

Coram:

The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?¹

For the Petitioner: Mr. Rahul Mahajan, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General
with Mr. Sumit Sharma, Dy. Advocate
General

Jiya Lal Bhardwaj, Judge (Oral).

By way of present petition, the petitioner has prayed
for following substantive reliefs:-

"a) The Hon'ble Court may kindly be directed to respondent to calculate the PTA period of applicant w.e.f. 25.11.1999 to 10.09.2000 in her qualifying service for the purpose of pension under rule 13 of the CCS Pension Rules, 1972.

¹ Whether reporters of the local papers may be allowed to see the judgment?



b) The Hon'ble Court may kindly be again directed to respondent to consider the case of applicant for pension under the CCS Pension Rules, 1972 after the date of her retirement w.e.f. 01.03.2010."

2. The facts as emerge from the pleadings are that the petitioner, on the recommendations of the Parents Teacher Committee, after conducting the interview on 20.11.1999, was appointed as Music Teacher (Vocal) in Govt. High School (Girls), Jogindernagar, District Mandi, H.P. vide office order dated 22.11.1999 (Annexure-PA). In sequel to the said office order, the petitioner was asked to join her duties on 25.11.1999. The petitioner joined her duties on 25.11.1999 and discharged her duties against the regular vacant post w.e.f. 25.11.1999 to 10.09.2000. Thereafter, the petitioner was appointed as regular Music Teacher (Vocal) in Govt. High School (Girls), Jogindernagar, District Mandi, H.P. vide order dated 8th September, 2000 by the then District Education Officer, Mandi, District Mandi, H.P. (now respondent No.3) in the pay scale of Rs.5000-8100/- plus other allowances admissible under rules Before making the selection, the interviews were conducted in the office of the then District



Education Officer, Mandi, District Mandi, H.P. on 01.05.2000. After issuance of office order, the petitioner joined her duties on 11.09.2000 in the Government High School (Girls), Jogindernagar, District Mandi, H.P. and was retired from service on attaining the age of superannuation on 27.02.2010. The petitioner after issuance of office order dated 08.09.2000, had rendered total service of 9 years, 5 months and 20 days w.e.f. 11.09.2000 to 27.02.2010.

3. The grievance of the petitioner as highlighted in the petition and as canvassed before the Court by the learned counsel for the petitioner is that since the petitioner was appointed by a duly constituted Parents Teachers Committee, the services rendered by her w.e.f. 25.11.1999 to 10.09.2000, be also counted for the purpose of pensionary benefits.

4. The respondents filed reply to the petition and averred that the petitioner was engaged against the vacant post of Music Teacher (Vocal) by the Parents Teacher Association (hereinafter referred as PTA) at their own level on monthly honorarium basis and at the relevant time, there was no policy in vogue to engage



the teachers on PTA basis so as to consider her appointment under such policy. The engagement of the petitioner on monthly honorarium was a local arrangement and thus the period of service rendered by her w.e.f. 25.11.1999 to 10.09.2000 cannot be treated as qualifying service for the purpose of pension since her services were neither regulated nor wanted by the government. Further, during such period of her engagement, she was paid honorarium by the school from its own sources of income. It has also been averred that the policy was framed by the State Government on 29.06.2006, much later than the petitioner was appointed as Music Teacher (Vocal) in the respondent-Department on regular basis. So far as the claim of the petitioner that the judgment passed by this Court in the case of Vidya Upasaks is concerned, the same is on different footing, for the reason that the Vidya Upasakas were appointed under the Vidya Upasak Scheme on the recommendations of the HPSSSB Hamirpur, whereas the petitioner was engaged by the then PTA Committee of the Government High School (Girls) Jogindernagar, District Mandi, H.P.



5. I have heard the learned counsel for the parties and also perused the entire record carefully.

6. It is not in dispute that the petitioner was appointed vide office order dated 22.11.1999 by the then Head Mistress, Government High School (Girls), Jogindernagar, District Mandi, H.P. on the recommendations of the PTA Committee and in sequel to the said order, the petitioner had joined as Music Teacher (Vocal) against the vacant post on 25.11.1999 and served as such till 10.09.2000. It is also not in dispute that the petitioner was interviewed by the duly constituted committee of the PTA and was appointed against the vacant post. It is also not in dispute that the petitioner was interviewed for the post of Music Teacher by the then District Education Officer, Mandi, District Mandi, H.P, now arrayed as respondent No.2 on 01.05.2000. The appointment order was issued in favour of the petitioner on 08.09.2000 and she joined her services on 11.09.2000 and before that she continuously served the respondents from 25.11.1999 till 10.09.2000 without any break in her services. After joining on 11.09.2000, she continuously served with the respondents till



27.02.2010, when she stood retired from services. If the period of regular service is counted from 11.09.2000 to 27.02.2010, the petitioner has rendered 9 years, 5 months and 20 days of regular service. It is not disputed by the respondents that at the time when the petitioner was appointed, the appointment orders were issued by the Head Mistress, Government High School (Girls), Jogindernagar, District Mandi, H.P., where the post was lying vacant. It is also not in dispute that the petitioner after joining on the said post had continuously served till her appointment on regular basis as per the office order dated 08.09.2000. No doubt, at the relevant time, PTA policy was not in vogue, however, once the same procedure was subsequently followed as enshrined in PTA policy at the time of offering the appointment to petitioner on 22.11.1999 i.e. after conducting the interview by the duly constituted PTA Committee on 22.11.1999 as evident from a perusal of the office order, Annexure-PA and thereafter she was offered the appointment by the Headmistress, Govt. High School (Girls), Jogindernagar, District Mandi, H.P., where the post was lying vacant, the said period of service cannot be said to be of no



use to the petitioner, particularly when there is continuity of service with the respondents and her services were required by the State. Once the post was lying vacant, the PTA Committee duly constituted in its wisdom, had conducted the interviews to avoid loss to the studies of the students and only when found eligible had selected the petitioner and thereafter offered the appointment by the Officer of the respondents. It was done to avoid hardships for students and this policy was later recognized by the respondent-State, when it formulated the PTA policy. Even otherwise, the function of the respondent-State has been performed by the PTA Committee, who offered the appointment to the petitioner and she had been paid very less remunerations.

7. Thus, keeping in view the peculiar facts of the present case, once the petitioner had rendered 9 years, 5 months and 20 days of regular service with the respondents and further, before offering her appointment on regular basis, there was no break in service from 25.11.1999 till her joining on 11.09.2000 as per office order dated 08.09.2000 though interview was conducted on



01.05.2000, she is entitled to pension considering the period of service on PTA , which is of 9 months.

8. Similar issue had arisen for consideration before a Coordinate bench of this Court in **CWP No. 10783 of 2024, titled, Lalit Sen vs. State of Himachal Pradesh & Ors**, decided on 07.10.2025 and the Hon'ble Court had ordered to count entire service rendered by the petitioner prior to his superannuation including the service rendered by him on PTA basis for the purpose of pensionary benefits. No doubt, in that case, the petitioner was appointed after framing of policy by the State Government, but since the appointments made on PTA basis have been recognized and thereafter the State has framed policy, the period of service rendered by the petitioner, who was appointed against the vacant post on the recommendations of the PTA Committee cannot be ignored which entitled her for pension and she is short of about 3 months and 10 days only. This Court cannot lose sight of the fact that in the present case, the petitioner was appointed by the official of the State Government as is evident from the perusal of office order dated 22.11.1999 that too against



the vacant post and thus, the period of service rendered by the petitioner from 25.11.1999 to 10.09.2000, especially when there is no break in service, is ordered to be counted for the purpose of granting pension to the petitioner, since she is short of only about 3 months and 10 days to make 9 years and 9 months, which otherwise entitles a government servant to the benefit of pension.

9. This Court is also aware about the fact that, if the period of service rendered by a government servant on PTA basis is counted, it will have wider ramifications. However, keeping in view of the law declared by the Coordinate Bench of this Court and further keeping in view the peculiar facts and circumstances of the present case, since there is shortfall of only few months for the petitioner to become entitled to pension, the period of her service on PTA basis is ordered to be counted for grant her pension, more especially, when she was appointed against a vacant post and further there is no break in her services upto her joining on regular basis on 11.09.2000.

10. Consequently, the present petition is allowed and the respondents are directed to count the service rendered by the



petitioner w.e.f. 25.11.1999 to 10.09.2000 in addition to service rendered by her on regular basis w.e.f. 11.09.2000 to 27.02.2010, only for the purpose of grant of pension to her and it will not be treated as precedent. It is made clear that the petitioner shall be entitled to pension only w.e.f. 01.12.2015, since the petition was instituted by her in the month of November, 2015. The respondents are directed to pay arrears of pension to the petitioner within three months from today. Petition is accordingly disposed of, so also the pending applications, if any. This judgment will not be treated as a precedent.

(Jiya Lal Bhardwaj)
Judge

21st April, 2026.
(jai)