

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Review Petition No.107 of 2025

Date of Decision : 26.11.2025

State of Himachal Pradesh and others

..... Petitioners

Versus

Devi Singh

.....Respondent

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the petitioners : Mr. B.N. Sharma, Additional Advocate General.

For the respondent : Nemo.

Bipin Chander Negi, Judge (oral)

The sole ground urged on behalf of the review petitioner is that as per the record of the petitioner, the respondent in the case at hand who has filed CWP No.4234 of 2024 has only completed 09 years and 08 months of service.

2. From a perusal of the impugned judgment dated 03.07.2024 sought to be reviewed, it is evident that therein the admitted position had been taken to be that the respondent/writ petitioner had completed 09 years and 09 months of the service. From perusal of the writ record, it is evident that no reply had been filed by the present petitioners to the writ preferred by the respondent. The sole basis for adjudication of the factual dispute now sought to be

raised was instructions dated 15.06.2024 filed by the petitioners/writ respondent wherein in the very first paragraph-1 it had been admitted that the service of the writ petitioner/present respondent was 09 years and 09 months. Be that as it may be, the contention sought to be relied upon is based on an interpretation of Rule 49(3) of the CCS (Pension) Rules, 1972, which reads as follows:-

"In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed one half year and reckoned as qualifying service."

3. The said rule came up for consideration before the Division Bench of this Court in LPA No.285 of 2010 decided on 22.06.2012. The relevant extract of the same is being reproduced here-in-below for ready reference:-

"2.In terms of the above rule a person having three months service shall be treated to have completed one half of service for being counted as qualifying service. Logically, a person having service of six months and above, should be treated to have completed two half years for the purpose of qualifying service. In other words, in the case of a person having service of nine years and six months, the qualifying service shall be taken as ten years and thus he shall be entitled to minimum pension."

4. From a perusal of the aforesaid, it is evident that in terms of Rule 49(3) of the CCS (Pension) Rules, 1972, each three months

service is to be considered as $\frac{1}{2}$ completed year, therefore, six months completed would mean one full completed year.

5. Hence even if in the case it is taken that the respondent/writ petitioner has completed 08 months of service then in view of the interpretation given in LPA No.285 of 2010 for 06 months completed benefit of one full year would have to be given to the respondent/writ petitioner.

6. In view of the aforesaid, I see no merit in the present petition. Accordingly, the present petition is dismissed being devoid of any merit. Pending miscellaneous application(s), if any, shall also stand disposed of.

November 26, 2025 (KS)

(Bipin Chander Negi)
Judge