



2026:HHC:43934

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
CWP No.18006 of 2026
Decided on: 8th October, 2026

Hirda Ram

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. A.K. Gupta and Mr. Bonit Thakur,
Advocates.

For the Respondents: Ms. Menka Raj Chauhan, Deputy
Advocate General, for respondents No.1
to 4.

Mr. Tara Chand Chauhan, Advocate,
for respondent No.5.

Jyotsna Rewal Dua, Judge

Notice. Ms. Menka Raj Chauhan, learned
Deputy Advocate General and Mr. Tara Chand Chauhan,
learned counsel, appear and waive service of notice on
behalf of the respective respondents.

Keeping in view the grievance of the petitioner,
the order impugned herein, the submissions made by
learned counsel for the parties, the decisions being relied
upon and the nature of order being passed hereinafter,
there is no necessity to call reply from the respondents.
Matter has accordingly been heard at this stage.

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



2. Petitioner retired as Class-III employee from the respondent-Public Works Department. Pension in terms of CCS (Pension) Rules, 1972 was not released in his favour. He instituted CWP No.11854 of 2025 seeking directions to the respondents to process his case for pension in accordance with **Roop Lal Versus State of H.P. & Others²**. The writ petition was disposed of on 25.07.2025 with direction to the respondents to consider and decide the case of the petitioner within the timelines mentioned therein. It appears that the respondent-State feeling aggrieved against the decision rendered in CWP No.11854 of 2025, preferred Letters Patent Appeal, bearing LPA No.3 of 2026. The LPA was dismissed on 01.01.2026 as under:-

- “6. In such circumstances, the benefit as such of the daily wage period has to be granted by calculating his services for the grant of pension as Roop Lal (supra) stood finalized upto the Apex Court.*
- 7. Resultantly, we do not find any plausible reason to interfere with the well reasoned order of the learned Single Judge directing consideration of the case of the writ-petitioner, in view of the settled principle of law.*
- 8. Accordingly, the appeal is dismissed, so also the pending applications, if any.”*

3. Respondent No.2-the Engineer-in-Chief, H.P. Public Works Department set down to consider the case/representation of the petitioner and vide office order

² LPA No.196 of 2022, decided on 11.10.2023



dated 03.07.2026 (Annexure P-2), rejected it on the ground that petitioner has rendered service in all for 09 years & 01 month, which is less than 09 years & 09 months required under Rule 49(2) of the CCS (Pension) Rules, 1972 for being eligible for pensionary benefits. Feeling aggrieved, the petitioner has instituted this writ petition.

4. A perusal of the impugned office order dated 03.07.2026 makes it evident that respondent No.2 has not cared to look into the decisions rendered in ***Sunder Singh Versus The State of Himachal Pradesh & Ors.***³ and ***Balo Devi & others Versus State of Himachal Pradesh and others***⁴, wherein daily wage service rendered by Class-IV employees for a period of five years has been made equivalent to one year of regular service and to be computed as such for the purpose of qualifying service for pension and if in this manner, the total regular service rendered by a Class-IV employee becomes more than eight years, he has been held entitled to pension w.e.f. 01.01.2018. The aforesaid principles have been made applicable to Class-III employees as well in *Roop Lal's*² case. Acknowledging this legal position in the impugned office

³ Civil Appeal No.6309 of 2017, decided on 08.03.2018

⁴ Civil Appeal No.4792 of 2022, decided on 18.07.2022



order, respondent No.2 has still not computed the daily waged service towards petitioner's regular service. This is despite the fact while dismissing LPA No.3 of 2026 preferred by the respondents against CWP No.11854 of 2025 preferred by the petitioner, Hon'ble Division Bench had specifically directed the respondents to calculate petitioner's services by counting the daily wage service rendered by him for the purpose of pension in light of law laid down in *Roop Lal*², which stands finalized upto the Hon'ble Apex Court.

5. In the given facts and circumstances, this writ petition is allowed. Impugned office order dated 03.07.2026 (Annexure P-2) is quashed and set aside with costs of Rs.10,000/- to be paid to the petitioner on the next date. Respondent No.2/competent authority is directed to pass a fresh consideration order in accordance with law.

For overseeing the compliance, list on
09.10.2026.

October 08, 2026
Mukesh

Jyotsna Rewal Dua
Judge