







**2.** Finding returned in *CWP No.3361 of 2025* title *Devinder Kumar & others vs State of HP and others* shall be applicable mutatis mutandis to present matters to all intends and purposes.

**3.** As intended, petitioners are permitted to submit representation to the Competent Authority on or before **30<sup>th</sup> May, 2026** and representation, so preferred, shall be decided by Competent Authority as expeditiously as possible at least 15<sup>th</sup> July, 2026 by giving opportunity of being heard and by passing speaking and reasoned order.

**4.** Consequently, impugned office order(s)/ instructions, if any, rejecting the claim/prayer of the petitioners on the basis of Government Employees Act also stand quashed and set aside with direction to the competent Authority to decide the representation of petitioners afresh, as directed herein-above, by taking into consideration the following settled principle of law, inter alia amongst others, as applicable:-

1. Where there is adjudication and verdict of the Court in favour of employee(s) or



category of employees, benefits to such employee(s) shall be governed and extended in terms of such mandate of the Court notwithstanding anything else.

2. Where there is no specific mandate of Court, such category of employees, appointed on contract in terms of Policy for appointment on contract, but without following the procedure prescribed in Recruitment and Promotion Rules or akin to such provided for regular appointments, followed by regular appointment without interruption, regularization, shall be entitled for counting of contract period of service as qualified service for pensionary/ retiral benefits in addition to period of regular service in terms of Rule 17 of CCS (Pension) Rules as well as for mandate of the Courts, and consequently shall be entitled for taking into consideration annual increments for contract period of service by adding the same on notional basis for the purpose of calculation of last pay drawn for determining pension/retiral benefits but not for arrears on account of increment during contract period of service, and such contract period shall not be counted for determining the seniority.
  
3. Employees initially appointed on contract basis by following procedure prescribed in Recruitment and Promotion Rules/Service Rules framed under Article 309 of the Constitution, after subjecting to rigors of such process as applicable for regular appointments including prescribed essential eligibility, with wide publicity inviting all eligible persons to participate in open competition, similar to competition to be adopted for regular appointments, OR any other prescribed mode of recruitment in terms of/following procedure prescribed in Recruitment and Promotion Rules for recruitment including batch-wise etc., on regularization, shall be entitled for all consequential benefits like counting of contract period of service



as qualifying service and financial benefits including increments as well as seniority from the date of their initial appointment.

4. Being a recurring cause of action with respect to claim of pensionary and retiral benefits, but for delay in putting forth claim with Authority or in the Court, financial benefits may be restricted to 3 years prior to putting forth such claim or may be awarded prospectively by taking into consideration the facts and circumstances of each individual case. However, where there is verdict of the Court to extend such benefits without any restriction, the State or its Officers are not empowered to curtail the same without expressed order of the competent Court.
5. Claim of seniority has to be considered and decided in consonance with settled principle of service jurisprudence including all relevant factors, such as claiming seniority, accrual of third party right, opportunity of being heard to all stakeholders (claimants as well as persons likely to be affected) etc.

**5.** Accordingly, in view of aforesaid observations and directions, the present petition is also disposed of in terms of CWP No.3361 of 2025 with liberty to the parties to avail appropriate remedy with respect to surviving grievance, if any, regarding issue raised or not raised in the present petition including filing of fresh petition(s).

**6.** Pending miscellaneous application(s), if



any, also stand disposed of in same terms.

**(Vivek Singh Thakur)**  
**Judge**

**(Ranjan Sharma)**  
**Judge**

**May 04, 2026**  
*[Shivender]*