



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

**CWP No. 2643 of 2021**

**Decided on: 26.03.2024**

Ram Bihari Singh Rohela	... Petitioner
<b>Versus</b>	
State of H.P. & others	... Respondents

***Coram***

***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.***

**Whether approved for reporting?<sup>1</sup>**

For the petitioner	:	Mr.Mohit Thakur, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Additional Advocate General.

**Ajay Mohan Goel, Judge (Oral)**

With the consent of the parties, the petition is being disposed of.

2. By way of this petition, the petitioner has prayed for the following reliefs:-

*“ (a) That the Writ in the nature of Mandamus may be issued directing the Respondents to consider the case of the Petitioner in the light of the Judgment of the Hon'ble High Court as rendered in K P Nayar Vs State of HP (Annexure P-2) and further to grant full pension to the Petitioner with effect from 01.01 2006 in terms of the recommendation of sixth pay commission at the rate of fifty percent of the minimum of the pay in the pay band plus grade pay corresponding to the pre revised pay scale from which the Petitioner has retired at the time of*


<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?



*retirement and further not to effect any pro rata reduction in basic pension with effect from 01.01.2006.*

*(b) That the Respondents may be directed to fix the Pension of the Petitioner correctly with effect from 01.01.2006 taking into account the qualifying service of 20 years for full Pension and also grant full arrears from the said date with all consequential benefits.*

*(c) That Writ in the nature of Certiorari may be issued and further Clause 4.2 of OM Dated 14. 10. 2009 (Annexure P-4) or any other clause of the said OM which curtails the right of the Petitioner to receive full pension with effect from 1.01.2006 may be set aside and quashed being illegal, unconstitutional and arbitrary. Any other order /Circular which curtail the right of the Petitioner to receive full Pension w.e.f 1.01.2006 after taking into account 20 years of service without any pro rata reduction may also be set aside and quashed.”*



3. Learned counsel for the petitioner submits that the prayer of the petitioner is squarely covered by the judgment passed by this Court in CWPOA No.7945 of 2019, titled as K.P. Nayar vs. State of H.P. and another, decided on 01.09.2020 (Annexure P-2). He has drawn the attention of the Court to the reply filed by respondents No.1 to 3 and submitted that they also have not denied the fact that the prayer made by the petitioner is covered by the judgment being relied upon, but stand of the State is that a Special



Leave Petition has been filed before Hon'ble Supreme Court of India against the judgment of this Court in CWPOA No.7945 of 2019 (supra). For ready reference, Para-1 of the preliminary submissions of the reply filed by respondents No.1 to 3 is quoted hereinbelow:-

*"1. That the case of Sh. Ram Bihari Rohela retired AP (college) Govt. College, Bilaspur has been discussed as he is claiming revised pension in the light of judgment dated 1-09-2020 titled K.P.Nayyar Vs. State of H.P. The matter of revised pensin of Sh. Ram Bihari Rohela retiered AP wa taken up with the Finance Department and it was intimated that in case of Sh. KP Nayyar, Industry Department on the advise of Finance Department, has filed SLP in the Apex Court against the decision dated 1-09-2020 in CWPOA 7945/2019 titled K.P. Nayyar Vs. State of H.P. which is pending adjudication."*

4. Having heard learned counsel for the petitioner and learned Additional Advocate General and taking into consideration the fact that even the respondents do not deny the factum of the case of the petitioner being covered in terms of the judgment passed by this Court in CWPOA No.7945 of 2019 (supra), SLP filed against which is further pending adjudication before Hon'ble Supreme Court of India, this petition is disposed of with the direction that let the outcome of the Special Leave Petition filed by the State against the judgment passed in CWPOA No.7945 of 2019 (supra), also determine



the fate of the petitioner and the relief being prayed for by him. In other words, in case the judgment passed by this Court in CWPOA No.7945 of 2019 (supra) is upheld by Hon'ble Supreme Court, then the petitioner be conferred the benefits in terms of the said judgment. Pending miscellaneous application(s), if any also stand disposed of accordingly.

**(Ajay Mohan Goel)**  
**Judge**

March 26, 2024  
(Rishi)

