IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.16688 of 2024

Decided on: 31st December, 2024

Desh Raj **.....Petitioner**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Jai Dev Thakur, Advocate.

For the Respondents: Mr. Balwinder Singh, Deputy Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Mr. Balwinder Singh, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

2. This writ petition has been filed for the grant of following substantive reliefs:-

> *"I. That writ in certiorari may kindly be issued and the impugned office order dated 31.3.2016 (Annexure P-4), may kindly be quashed and set-aside, in the interest of justice.*
>
> *II. That writ in the nature of mandamus may kindly be issued, directing the respondents that petitioner may kindly be deemed to be continued in service till attains the age of 60 years, with all consequential benefits with up-to-date interest i.e., pay-fixation, seniority, arrears of*

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

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pay, revised pension, arrears of pension, revised gratuity in view of CWP No.2711/2017 titled as Baldev Vs State of H.P. (Annexure P-4) and clarification dated 28.04.2023 (Annexure P-5), in the interest of justice.

III. *That writ in the nature of mandamus may kindly be issued and directing the respondents to count the daily wages/contingent service of the petitioner towards the qualifying service for the purpose of pension as per law laid down by the Hon'ble Apex Court in Civil Appeal No.4792 of 2022 titled as Balo Devi Vs State of H.P., in the interest of justice.*

IV. *That the respondents may kindly be directed to submit the case of petitioner for pension and release the pension w.e.f. 1.4.2018 to till date alongwith arrears with upto date interest, to secure the end of justice."*

3. According to the petitioner, the legal issue involved in the case has already been adjudicated upon. The grievance of the petitioner is that his representation dated 18.07.2024 (Annexure P-8) has still not been decided by the respondents/competent authority.

4. Once the legal principle involved in the adjudication of present petition has already been decided, it is expected from the welfare State to consider and decide the representation of the aggrieved employee within a reasonable time and not to sit over the same indefinitely compelling the employee to come to the Court for redressal of his grievances. This is also the purport and object of the Litigation Policy of the State. Not taking decision on the representation for months together would not only give rise to unnecessary multiplication of the litigation, but would

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also bring in otherwise avoidable increase to the Court docket on unproductive government induced litigation.

5. In view of the above, this writ petition is disposed of by directing the respondents/competent authority to consider and decide the aforesaid representation of the petitioner dated 18.07.2024 (Annexure P-8) in accordance with law within a period of six weeks from today. The order so passed be also communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

December 31, 2024
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