IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 19352/2026
Decided on: 02.11.2026

Kashmir Singh …Petitioner

Versus

State of H.P. & Ors. ….Respondents.

……

Coram
Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?[1]

For the petitioners: **Mr. Mehar Chand Thakur, Advocate.**

For the respondents: **Ms. Seema Sharma, Deputy Advocate General, for respondents No.1 to 3.**

Mr. Aman Thakur, Advocate, for respondent No.4.

Jyotsna Rewal Dua, J

Notice. Ms. Seema Sharma, learned Deputy Advocate General and Mr. Aman Thakur, learned counsel, accept notice on behalf of the respective respondents.

2. Taking into consideration the grievance of the petitioner, the order impugned herein, and the facts already noticed in the impugned order, vis-a-vis decisions relied upon for the petitioner, there is no necessity to call for reply from the respondents. The matter has accordingly been heard at this stage.

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[1] *Whether reporters of the local papers may be allowed to see the judgment? yes*

High Court of H.P.

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2. Petitioner had instituted ***Kashmir Singh Vs. State of H.P. & Anr.***[2] seeking grant of pensionary benefits. The writ petition was disposed of on 27.02.2026 with directions to the respondents to decide the representation of the petitioner.

In pursuance to the above directions, the respondents vide office order dated 27.07.2026 (Annexure P-4) rejected the claim of the petitioner, compelling him to institute this writ petition.

The impugned order itself records that petitioner had rendered 8 years and 2 months of regular service. That apart, he had 8 years of daily wage service to his credit. Impugned order also mentions that as per office memorandum issued by Department of Finance (Pension), one year of qualifying service is to be added against 5 years of daily wage service. Impugned order itself computes that in this manner, total qualifying service to the credit of the petitioner works out to 9 years and 2 months, however, holding this service to be less than 10 years of regular service required under CCS Pension Rules 1972 for grant of pension, the representation of the petitioner was not accepted.

3. Reasons assigned in the impugned order passed by respondent No.2-Deputy Commissioner, Kangra are not in consonance with ***Sunder Singh Vs. State of H.P. and Ors***[3]***.*** and

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[2] CWP No. 1223/2026 decided on 27.02.2026
[3] Civil Appeal No. 6309/2017 decided on 08.03.2018

High Court of H.P.

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Balo Devi & others Vs. State of Himachal Pradesh and others.[4].

Relevant portion from the decision rendered in *Sunder Singh*[3] reads as under:-

> *"6. Accordingly, we direct that w.e.f 01.01.2018, the appellants or other similarly placed Class-IV employees will be entitled to pension if they have been duly regularized and have been completed total eligible service for more than 10 years. Daily wage service of 5 years will be treated equal to one year of regular service for pension. If on that basis, their services are more than 8 years but less than 10 years, their service will be reckoned as ten years."*

The above decision has further been clarified in *Balo Devi*[4] as under:-

> *"The intent of this Court was quite clear that:-*
>
> *(a) The services rendered as a regular employee may first be computed.*
>
> *(b) To the service as rendered to above, the component at the rate of one year of regular service for every five years of service as a daily wager, be added.*
>
> *(c) If both the components as detailed in Paras a & b hereinabove, take the length of service to a level of more than eight years but less than ten years, in terms of last sentence of paragraph 6 of the Order, the services shall be reckoned as ten years."*

The benefit of the above decisions has not been restricted to those employees whose services were regularized in terms of the decision in ***Mool Raj Upadhyaya versus State of H.P. and others***[5]. The benefit is applicable to all Class-IV as well as Class-III employees (Ref.: ***Roop Lal vs. State of H.P. & Ors.***[6]) for

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[4] Civil Appeal No.4792 of 2022, decided on 18.07.2022.
[5] 1994 Suppl (2) SCC 316
[6] LPA No.196/2022, decided on 11.10.2023

High Court of H.P.

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counting the daily wage service rendered by them for the purpose of qualifying services for grant of pension.

4. Hence, impugned office order dated 27.07.2026 (Annexure P-4) is quashed and set aside. Petitioner is held entitled to pension under the CCS (Pension) Rules, 1972. Accordingly, there shall be a direction to respondent No.2/competent authority to process the case of the petitioner for grant of pension to him from the due date within a period of six weeks from today. The admissible arrears as also recurring pension shall be released in petitioner's favour within the aforesaid period.

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

Jyotsna Rewal Dua
Judge

02nd November, 2026 (rohit)

High Court of H.P.

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