2026:HHC:42283

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA Nos. 30, 31 & 32 of 2026
Reserved on: 23.09.2026
Decided on : 30.09.2026
Uploaded on: 30.09.2026

1. *LPA No. 30 of 2026*
H.P. State Forest Development Corporation Limited ……**Appellant**

Versus

Mast Ram and another ……**Respondents**

2. *LPA No. 31 of 2026*
H.P. State Forest Development Corporation Limited …… **Appellant**

Versus

Hirdya Ram and others ……**Respondents**

3. *LPA No. 32 of 2026*
H.P. State Forest Development Corporation Limited …… **Appellant**

Versus

Biasan Devi & another ……**Respondents**

Coram
Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the appellant(s)	:	Mr. Vijay Kumar Arora, Sr. Advocate with Mr. Gaurav Kumar, Mr. Hitansh Raj and Ms. Avantika Bhandari, Advocates
For the respondent(s)	:	Mr. P.D Nanda, Advocate, for the private respondents, in all the appeals.
		Mr. Govind Korla, Additional Advocate General, for respondents-State, in all the appeals.

Bipin Chander Negi, Judge

The present appeals have been preferred against the impugned judgment dated 23.05.2025, whereby the three writ petitions

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

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preferred by the present private respondents, which were heard together as they involved common questions of fact and law, have been allowed and the writ petitioners have been held entitled to the revision of pension, which was done with effect from 01.01.2016 however, the same came to be implemented in the year 2022.

2. It is an admitted position that the private respondents/writ petitioners, in the case at hand, are employees of H.P. State Forest Corporation and covered under the H.P. Corporate Sector Employees (Pension, Family Pension, Commutation of Pension and Gratuity) Scheme, 1999 promulgated w.e.f. 29.10.1999, which was subsequently repealed vide notification dated 02.12.2004. Hereinafter for purpose of brevity referred to as the Corporate Pension Scheme of 1999. Further, it is admitted that the private respondents/writ petitioners in the case at hand had retired from service during the currency of the aforesaid Corporate Pension Scheme, which was in vogue with effect from 29.10.1999 till 02.12.2004.

3. The entitlement of the private respondents/writ petitioners for grant of pension under the Corporate Pension Scheme, 1999 was based on the grant of the same to another employee of the H.P. State Forest Development Corporation in case CWP No. 4998 of 2010, titled Bimla Sood vs. State of H.P. and others, decided on 04.01.2011 (page 71 of the appeal paper book), which was upheld by the Division Bench in LPA No. 346 of 2011, dated 24.05.2012, and the SLP preferred against the same by the present appellant-Corporation had been dismissed on 01.07.2013.

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4. In the aforesaid backdrop, in LPA No. 30 of 2026 arising out of CWP No. 8375 of 2021, i.e., in Mast Ram's case, the private respondent/ writ petitioner has pleaded that he had retired on 30.11.2003 however, basic pension had been paid to the private respondent/writ petitioner (Mast Ram) on 30.04.2019 and dearness relief in part had been paid in October, 2020. The non-payment of interest on the delayed pension/dearness relief was claimed in the writ petition. The claim for grant of dearness relief was stated to be based on judgment dated 03.01.2019 passed in ***CWP No. 910 of 2018***, titled ***Himachal Pradesh Tourism Development Corporation Limited vs. B.S. Himalvi and another***, delivered by a Division Bench of this Court. Incidentally, one of the matters therein, i.e., CWP No. 2461 of 2018, pertained to an employee of the Himachal Pradesh State Forest Development Corporation i.e present appellant. Other than the aforesaid, claim for interim relief in terms of O.M. dated 02.08.2018 (Annexure P-11, page 122 of the paper book) was made.

5. In the reply filed, claim qua grant of interim relief was denied in view of decision of the Finance Department of the State of Himachal Pradesh, which was communicated vide letter dated 14.07.2020, whereby it was categorically stated that interim relief on pension/family pension is not being released to retirees of Boards/Corporations covered under the Corporate Pension Scheme, 1999. In the appeal, the aforesaid decision of the Finance Department is sought to be defended by taking recourse to clause 7 of the Corporate Pension Scheme, 1999. By placing reliance on the said clause the decision taken by the Finance Department is contended to be final and binding.

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6. Further, in the reply filed to the writ petition the claim for grant of interest on delayed pension/dearness relief was denied on the basis that though the writ petitioner/private respondent had superannuated during the currency of the Corporate Pension Scheme, but they had applied for pension belatedly and that the matter had remained under litigation.

7. In CWP No. 4434 of 2024, titled *Hirdya Ram and others* (wherefrom LPA No. 31 of 2026 arises) and CWP No. 9714 of 2024, titled *Biasan Devi & another* (wherefrom LPA No. 32 of 2026 arises), relief qua revised pension along with interest from 01.01.2016 till actual payment was being sought. Other than the aforesaid, in the aforestated two writ petitions wherefrom LPA No. 31 of 2026 and LPA No. 32 of 2026 arise, pension allowance at the rate of 5%, 10%, 15% w.e.f. 01.10.2022 was being sought by private respondents/writ petitioners on attaining the age of 65, 70, 75 with interest till actual payment. The aforesaid claim was based on Office Memorandum dated 4th October, 2022 (Annexure P-16, page 159 of LPA No. 32 of 2026).

8. It is in the aforesaid backdrop, the impugned judgment, post hearing both the parties, had been passed by the learned Single Judge. From a perusal of the impugned judgment, it is evident that the only question raised and considered before the learned Single Judge was qua the claim of the private respondents/writ petitioners to subsequent revision of pension. A claim refuted by the present appellants before the learned Single Judge on the ground that the Corporation does not have sufficient funds.

9. Heard counsel for the parties and perused the pleadings.

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10. The claim for interim relief in terms of O.M. dated 20.08.2018 (Annexure P-11, page 122 of the paper-book), non-payment of interest on the delayed pension/dearness,pension allowance at the rate of 5%, 10%, 15% w.e.f. 1.10.2022on attaining the age of 65, 70, 75 with interest till actual payment based on Office Memorandum dated 4th October, 2022 (Annexure P-16, page 159 of LPA No. 32 of 2026), made by the present private respondents/writ petitioners before the learned single judge were given up as the only issue raised therein pertained to the claim of the present private respondents/writ petitioners to subsequent revision of pension. Against the impugned judgment no appeals have been preferred by the present private respondents/writ petitioners. Hence the legality of the impugned judgment is to be tested for the only issue answered therein.

11. The Corporate Sector Employees (Pension, Family Pension, Commutation of Pension and Gratuity) Scheme, 1999 has been placed on record as Annexure P-1 (page 63 of the paper-book). The relevant extract whereof reads as follows:

> "**1. Short title, and commencement:-**
>
> (2) All pensionary benefits of the employees of the participating H.P. Corporate Sector shall be determined in accordance with the provisions laid down in Central Civil Services (Pension) Rules, 1972, the Central Civil Services (Commutation of Pension) Rules, 1981 as amended and adopted by the Himachal Pradesh for the State Government employee save as otherwise provided in this scheme."

12. The Corporate Pension Scheme, 1999, envisages that all pensionary benefits of the employees of the participating Himachal Pradesh corporate sector shall be determined as per the provisions laid down in the Central Civil Services (Pension) Rules, 1972, as amended

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and adopted by the Himachal Pradesh Government for the State Government employees, save as otherwise provided by the scheme. That being the case, the revision of pension as amended in the pension rules and adopted by the State of Himachal Pradesh for the State Government employees cannot be denied to the private respondents/writ petitioners in the case at hand. Therefore, the finding returned by the learned Single Judge qua grant of benefit of the revision to the private respondents/writ petitioners in the case at hand cannot be faulted.

13. Arguments raised by learned Senior counsel appearing on behalf of the appellant/Corporation based on the judgment of the Apex Court in ***State of Himachal Pradesh and others versus Rajesh Chander Sood and others [(2016) 10 SCC 77***] are also of no assistance to the Corporation because the said judgment had been delivered by the Apex Court in a lis between the appellant-Corporation and an employee who had superannuated after 02.12.2004 i.e. after the rescinding of the Corporate Pension Scheme, 1999. Whereas in the case at hand, we are dealing with the rights of individuals who had retired during the currency of the corporate pension scheme 1999 i.e 29.10.1999 till 02.12.2004.

Accordingly, the appeals are dismissed in the aforesaid terms. Pending miscellaneous applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

30th September, 2026
Tarun Singh

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