

Himachal Pradesh High Court

Sohan Lal vs State Of H.P. & Ors on 3 September, 2025

Author: Jyotsna Rewal Dua

Bench: Jyotsna Rewal Dua

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA CWP No.14216 of 2025 Date of decision: 03.09.2025 .

Sohan			
Lal.		...	Petitioner.
	Versus	State of H.P. &	
Ors.		...Respondents.	Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?

For the petitioner : Mr. Bonit Thakur, Advocate, vice Mr. A.K. Gupta, Advocate.

For the respondents :	Mr. L.N. Sharma, Additional
	Advocate General, for
	respondents No.1 & 2-State.
:	Mr. Tek Ram Sharma, Advocate,
	for respondent No.3. Jyotsna
Rewal Dua, Judge	

Notice. Mr. L.N. Sharma, Additional Advocate General and Mr. Tek Ram Sharma, Advocate, appear and waive service of notice on behalf of respondents No.1 & 2 and respondent No.3, respectively. In view of the nature of the impugned order passed by respondent No.2 and the order being passed hereinafter, there is no necessity to call for any reply from the respondents. With the consent of learned counsel for the parties, the matter is heard at this stage.

1Whether reporters of Local Papers may be allowed to see the judgment? Yes

2. Petitioner, a Class-IV employee, instituted Sohan Lal vs. State of Himachal Pradesh & Ors.1, seeking .

applicability of decisions rendered in Sunder Singh Versus The State of Himachal Pradesh & Ors.2. and Balo Devi & Ors. vs. State of Himachal Pradesh & Ors.3. The writ petition was disposed of with directions to the respondents to decide the representation preferred by the petitioner within a time-bound schedule. Pursuant thereto, the respondents set out to examine the case of the petitioner and in that process, consideration order dated 07.07.2025 was passed rejecting his case. This order has been impugned in the present writ petition.

3. In the impugned order, respondent No.2-Deputy Commissioner, Mandi, had returned factual findings that petitioner's services were converted to daily wage on 27.02.2004 and he was regularized on 01.01.2012; Petitioner had served as daily wager for 7 years and 9 months;

Petitioner superannuated on 31.08.2021 after rendering 9 years and 8 months of regular service. Despite this, respondent No.2 declined to grant him benefit of decisions CWP No.2633

of 2025 decided on 27.02.2025.

Civil Appeal No. 6309 of 2017 decided on 08.03.2018.

Civil Appeal No. 4792 of 2022 decided on 18.07.2022.

rendered in Sunder Singh² and Balo Devi² on the ground that petitioner had not completed 10 years of qualifying regular .

service as mandated under Rule 49 of Central Civil Services (Pension) Rules, 1972.

4. The reasoning given by respondent No.2 for rejecting the case of the petitioner is wholly misconceived. It is quite evident that decisions rendered in Sunder Singh² and Balo Devi² have not even been looked into by respondent No.2. The relevant portion from the decision rendered in Sunder Singh² 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 Devi² 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."

5. In the backdrop of the above decisions, present .

petitioner, who is admitted to have rendered 9 years & 8 months of regular service and 7 years & 9 months as daily wage, prima facie, is entitled to the benefits flowing from Sunder Singh² and Balo Devi² for the purpose of counting daily wage service rendered by him towards qualifying service for the purpose of pension. Accordingly, the impugned order dated 07.07.2025 (Annexure P-2) is quashed and set aside with direction to respondent No.2 to consider and decide the case of the petitioner afresh strictly in consonance with decisions rendered in Sunder Singh² and Balo Devi² within a period of four weeks from today. The decision so arrived at shall also be communicated to the petitioner.

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

3rd September, 2025
(Pardeep)

Jyotsna Rewal Dua
Judge

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