

IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA

CWP No.3694 of 2020

Date of Decision: 26.02.2021

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Inder Dutt .....Petitioner

Versus

State of H.P & others. .... Respondents.

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Coram:

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

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

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**For the Petitioner:** Mr. A.K.Gupta, Advocate.

**For the Respondents:** Mr. Sudhir Bhatnagar and Mr. Arvind Sharma, Additional Advocate Generals, with Mr. Kunal Thakur, Deputy Advocate General, for respondents No.1 to 3.

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**Sandeep Sharma, Judge(oral):**

By way of instant petition, petitioner has prayed for following reliefs:-

“That the respondents may be ordered to pay the amount of gratuity to the petitioner in terms of notification dated 18<sup>th</sup> September, 2017 with the entire benefits incidental thereof.”

2. While placing on record Office Memorandum No. Fin(Pen)A(3)-1/2019, dated 8<sup>th</sup> January, 2021, issued under the signature of Additional Chief Secretary (Finance) to the

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

Government of Himachal Pradesh, learned counsel representing the petitioner contends that since State Government has now decided to apply the instructions contained in Office Memorandum No. Fin(Pen)A(3)-1/96, dated 18<sup>th</sup> September, 2017 retrospectively with effect from 15.05.2003 to regular employees governed by New Defined Contributory Pension Scheme i.e. New Pension Scheme, necessary directions may be issued to the appropriate authority to consider and decide the case of the petitioner in the light of aforesaid Office Memorandum.

3. Careful perusal of aforesaid Office Memorandum reveals that earlier benefit of retirement gratuity and death gratuity was extended to regular Government employees appointed on or after 15.05.2003 vide Office Memorandum No Fin(Pen)A(3)-1/96, dated 18<sup>th</sup> September, 2017 from prospective effect i.e. from the date of publication of said instructions in the Rajpatra. Now, vide aforesaid Office Memorandum dated 8.1.2021, Government has decided to apply aforesaid instructions retrospectively with effect from 15.5.2003 to all the regular employees governed under New Defined Contributory Pension Scheme i.e. New Pension Scheme. Hence, petitioner has

approached this Court in the instant proceedings, praying therein for the relief as reproduced hereinabove.

4. Having carefully perused the aforesaid Office Memorandum, learned Additional Advocate General is not averse to the aforesaid request having been made by learned counsel for the petitioner and as such, this Court sees no impediment in accepting the aforesaid innocuous prayer.

5. Consequently, in view of the above, the present petition is disposed of with a direction to the respondents to consider and decide the case of the petitioner in the light of the Office Memorandum dated 8<sup>th</sup> January, 2021, as taken note above expeditiously, preferably within period of four weeks. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),  
Judge**

26<sup>th</sup> February, 2021  
(shankar)