

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 7514 of 2024

Date of Decision: 31.07.2024

Karam ChandPetitioner.

Versus

State of H.P. & Anr.Respondents.

Coram

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

*Whether approved for reporting?*¹

For the petitioner: Mr. Ashwani Kaundal, Advocate.

For the respondents: Mr. R.K.Negi, Additional Advocate General.

Bipin Chander Negi, Judge (oral)

The present petition has been filed seeking following relief:

"a) To direct the respondent to kindly reinstate the petitioner to the service as a peon cum chowkidar at GSSS Kothi, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh as per the judgment passed by this Hon'ble High Court in CWP No.2274 of 2021 (Annexure. P/5) with all consequential benefits w.e.f. 31.10.2022 and also release the salary of petitioner w.e.f. 01.11.2022 to till date of reinstatement in to service."

2. The State vide Notification dated 21.02.2018 had made a distinction between Class-IV employees engaged prior to 10.05.2001 and those engaged after 10.05.2001 for the purpose of determining the age of their retirement. Those Class IV employees engaged prior to 10.05.2001 were retired after attaining the age of 60 years and those Class IV employees engaged after 10.05.2001 were retired after attaining the age of 58

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

years. The aforesaid notification came up for consideration before this Court in **CWP No. 2274 of 2021 alongwith connected matters**, titled **Satya Devi vs. State of H.P. & others alongwith connected matters**, decided on 28.05.2024. Therein the Notification dated 21.02.2018 was quashed. It was further ordered that all Class-IV employees (government servants) irrespective of their dates of appointment would now retire after attaining the age of 60 years. The relevant extract of the aforesaid judgment is being reproduced here-in-below:

"118. Therefore, for all the aforesaid reasons we strike down the words "appointed on part time/daily wage basis prior to 10.5.2001 and regularized on or after 10.5.2001" in the notification dt. 21.02.2018 and declare that all class-IV Government servants irrespective of their initial date of engagement or the date of their regularization would retire on the last day of the month in which they attain the age of their superannuation of 60 years.

119. All the Writ Petitions are allowed to the extent indicated above. Such of the petitioners/ Class IV Government servants who had retired from service prior to attaining age of superannuation of 60 years, shall be reinstated by the respondents if they have not crossed the age of 60 years as on date. Others who will not be able to be reinstated now on ground that they have already attained the age of 60 years, shall be paid compensation equal to the total emoluments which they would have received had they been in service until they attained the age of 60 years, less any amount they might have received by way of pension., etc. They will also be entitled to consequential retiral benefits. These shall be paid within 3 months from today. Those who are continuing in service by virtue of interim orders passed by this Court shall continue in service till they attain the age of 60 years. No costs."

3. It is stated by the learned counsel on both sides that the issue involved in this petition is covered by the judgment delivered on 28.05.2024 in CWP no. 2274 of 2021 (***Satya Devi vs. State of H.P and others***) and batch of cases.

4. Accordingly, the Writ petition is disposed of in terms of the aforesaid judgment and the respondents are directed to continue the petitioner in service till he attains the age of 60 years.

Pending miscellaneous application(s), if any, shall also stand disposed of.

(Bipin Chander Negi)
Judge

July 31, 2024
(Shamsh Tabrez)