

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP Nos. 1601 and 6549 of 2021
Decided on: 28.03.2024

CWP No. 1601 of 2021

Rajinder Singh petitioner
Versus

State of H.P. and others respondents

CWP No. 6549 of 2021

Raman Kumar and others petitioners
Versus

State of H.P. and others respondents

Coram:

Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge
Hon'ble Mr. Justice Sushil Kukreja, Judge

Whether approved for reporting? ¹

For the petitioner(s) : Mr. A.K. Gupta, Advocate

For the respondents : Mr. I.N. Mehta and Mr. Yashwardhan Chauhan, Senior Additional Advocate Generals with Mr. Ramakant Sharma, Ms. Sharmila Patial, Additional Advocate Generals for respondent No. 1 to 3.

: Mr. Balram Sharma, DSGI, for respondent No.4 and 5.

Tarlok Singh Chauhan, Judge (oral)

Both petitions have been filed for grant of the following substantive reliefs:-

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

CWP No. 1601 of 2021

“That Annexures P-2, P-3 and P-4 may be set aside/quashed and the respondents may be ordered to pay pension to the petitioner under the CCS (Pension) Rules, 1972 with all the benefits incidental thereof”.

CWP No. 6549 of 2021

“That Rule 2 of the CCS (Pension) Rules, 1972 may be struck down being violative of Article 14 of the Constitution of India and in violation of the law laid down by the Hon’ble Supreme Court of India in Prem Singh vs. State of U.P. and the entire service rendered by the petitioners may be held to qualify for the purpose of pension and other retiral benefits”.

2. Learned Additional Advocate General has placed on record instructions dated 26.03.2024, relevant portion of which reads as under:-

“Kindly refer to your office letter No. NIL dated 21.03.2024 on the subject cited above vide which necessary instructions in reference to order passed by Hon’ble High Court dated 21.03.2022 for bringing the petitioner under OPS and its latest position has been asked to be imparted.

In this respect, it is submitted that in pursuance to the implementation of Old Pension Scheme (OPS) by the Govt. vide Notification NO. Fin (Pen.) A(3)-1/2023 dated 4th May, 2023, the petitioners have been shifted into OPS from NPS in different months of 2023 and they are also subscribed to GPF A/C wherein each of the petitioner is subscribing certain amount p.m. continuously as per detail given in enclosed Annexure-A’

3. In view of the above, both petitions have been rendered infructuous and are disposed of as such, so also the pending application(s), if any.

**(Tarlok Singh Chauhan)
Judge**

**(Sushil Kukreja)
Judge**

March 28, 2024
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