

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11018 of 2024

Date of Decision : 30.09.2024

Teja Singh

..... **Petitioner**

Versus

The State of Himachal Pradesh and others

.....**Respondents**

Coram:

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

*Whether approved for reporting?*¹

For the petitioner : Mr. G.R. Palsra, Advocate.

For the respondents : Mr. B.N. Sharma, Additional Advocate General.

Bipin Chander Negi, Judge (oral)

Notice. Mr. B.N. Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of the respondents.

2. The instant petition has been filed for the grant of following substantive reliefs:-

"(i) To quash and set-aside the office order dated 29.04.2023 Annexure P-1 keeping in view the law laid down by this Hon'ble Court vide judgment dated 28-05-2024 passed in CWP No.2274 of 2021 alongwith connected matter.

(ii) To reengage the petitioner as Class-IV (Peon-cum-Chowkidar) in GSSS Mohini, District Kullu, H.P. from where the petitioner has prematurely been retired vide office order dated 29.04.2023 (Annexure P-1).

¹

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

(iii) That to grant all consequential benefits to the petitioner for the period w.e.f. 30.04.2023 till the date of reengagement in the interest of justice and fair play."

3. Admittedly, the petitioner was appointed as Part Time Water Carrier on 27.08.2002. The services of the petitioner were converted into daily wager on 23.11.2012. Subsequent thereto, the services of the petitioner were regularized as Class-IV (Peon- cum- Chowkidar) on 02.05.2017. On attaining the age of 58 years, the petitioner was retired on 29.04.2023 vide Office Order, i.e., Annexure P-1.

4. I have heard learned counsel for the parties and perused the documents appended *along-with* present petition.

5. 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 years. The aforesaid notification came up for consideration before this Court in **CWP No. 2274 of 2021** *along with* connected matters, titled **Satya Devi vs. State of H.P. & others** *along with* 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."

6. 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** titled ***Satya Devi vs. State of H.P and others*** and batch of cases.

7. Accordingly, the present petition is disposed of in terms of the aforesaid judgment. Office Order dated 29.04.2023 (Annexure P-1) is

quashed. 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)

September 30, 2024 (KS)

Judge