

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10355 of 2024
Date of Decision: 28.2.2025

Dara Singh

.....Petitioner

Versus

State of Himachal Pradesh and Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Mohit Thakur, Advocate.

For the respondents: Mr. Ravi Chauhan, Mr. Balvinder Singh and
Mr. Anish Banshtu, Deputy Advocates
General.

Sandeep Sharma, J. *(Oral)*

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

- “a) To issue Writ in the nature of Mandamus directing the respondents to immediately reengage the petitioner as Class IV and to grant all service benefits till the petitioner completes 60 years of age.
- b) That the respondents may be directed not to consider the petitioner as retired at 58 years of age.
- c) That petitioner may be allowed full service and financial benefits till he reaches 60 years without any restriction of arrears of salary and other benefits at par with the benefits allowed in the judgment Annexure P-1.

2. Pursuant to notices issued in the instant proceedings, respondents have filed reply, perusal whereof clearly reveals that petitioner has been permitted to continue in service till his attaining

the age of 60 years subject to final outcome of the SLP filed against judgment, in CWP No. 2274 of 2021 titled Satya Devi v. State of Himachal Pradesh and Ors. (alongwith connected matters).

3. Precise case of the petitioner as has been highlighted in the instant proceedings is that he is entitled to continue in service till his attaining sixty years of age being class-IV employee in terms of judgment passed by the Division Bench of this Court in Satya Devi (supra) and in compliance of the directions contained in the aforesaid judgment, petitioner has been permitted to continue in service till his attaining the age of sixty years, as such, nothing remains to be adjudicated in the instant proceedings.

4. Once judgment passed in Satya Devi's case has been laid challenge by the State of Himachal Pradesh by way of SLP and petitioner has been granted benefit in terms of Satya Devi (supra), no illegality can be otherwise said to have been committed by the respondents by permitting the petitioner to continue in service subject to outcome of the SLP.

5. Consequently, in view of the above, nothing remains to be adjudicated in the instant proceedings and accordingly, same is disposed of as having rendered infructuous.

February 28, 2025
(manjit)

(Sandeep Sharma),
Judge