
(2022) 09 SHI CK 0089
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 102 Of 2022

Rania Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 28-09-2022

Acts Referred:

Citation : (2022) 09 SHI CK 0089

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Parkash Sharma, Desh Raj Thakur, Narender Thakur

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. From the reply filed on behalf of the respondents, it is revealed that the competent authority had considered the case of the petitioner and rejected the same vide order dated 29.12.2018.

2. Though, strictly speaking, after passing of aforesaid order, the order passed by the erstwhile H.P. State Administrative Tribunal in O.A. No. 6260 of 2018 stood complied with. However, there is a subsequent development. A Full Bench of this Court in case titled as Baldev Singh vs. State of Himachal Pradesh & others, CWP No. 2711 of 2017, decided on 22.2.2022 has been pleased to hold that in case of an employee like the petitioner, who stood engaged on daily wage basis prior to 10.5.2001 but was regularized thereafter and had only retired from service prior to issuance of notification dated 21.2.2018 at the age of 58 years, the retirement date of such an incumbent shall be deemed to be the date when he otherwise attained the age of 60 years. It has further been held that since the said employee had not actually worked beyond the age of 58 years, therefore, he will not be entitled to actual monetary benefits of wages/salary etc for the period of service from the date of his actual retirement till deemed date of his retirement, but he will be entitled to notional fixation of pay for working out payable pension

and other consequential arrears of pension.

3. Keeping in view the fact that the endeavour of the Court should be to impart substantial justice to the parties, it is deemed necessary that directions be issued to the respondents to re-consider the case of the petitioner in light of aforesaid judgment, passed in Baldev Singh's case (supra).

4. Accordingly, the petition is disposed of with direction to the respondents to re-consider the case of the petitioner in light of the decision rendered by a Full Bench of this Court in Baldev Singh vs. State of Himachal Pradesh & others, CWP No. 2711 of 2017, decided on 22.2.2022. The needful be done within eight weeks from today. Pending applications, if any, also stand disposed of.