

(2023) 08 SHI CK 0025
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 5254 Of 2020

Sansar Chand

APPELLANT

Vs

State Of H.P & Others

RESPONDENT

Date of Decision : 03-08-2023

Acts Referred:

Citation : (2023) 08 SHI CK 0025

Hon'ble Judges : M.S. Ramachandra Rao, CJ;Ajay Mohan Goel, J

Bench : Division Bench

Advocate : Kush Sharma, Anup Rattan, Rakesh Dhaulta, Pranay Pratap Singh, Sidharh Jalta, Arsh Rattan

Final Decision : Disposed Of

Judgement

M.S. Ramachandra Rao, CJ

1. Heard counsel for the petitioner as well as Mr. Pranay Pratap Singh, learned Additional Advocate General for the respondents.

2. This petition is filed for a direction to the respondents to pay arrears of pay of the petitioner till he attained the age of 60 years with interest @ 9% per annum. The contention of the petitioner is that he is entitled to continue till the age of 60 years, but he was erroneously retired by the respondents-State at the age of 58 years.

3. Counsel on both sides agree that the issue raised in this petition is covered by the judgment of Full Bench of this Court in CWP No. 2711 of 2017 titled Baldev vs. State of H.P and others decided on 22.02.2022.

4. Having regard to the said decision, which is binding on this Court as well as on the respective parties, it is directed that though the petitioner will not be entitled to actual monetary benefits of wages/salaries etc. for the period of service from the date of his actual retirement till deemed date of retirement, he would be entitled to notional fixation of pay for the period in question for working out his

pay and pension. The payment of consequential arrears of pension would be made accordingly.

5. In view of the above, the petition stands disposed of alongwith pending applications, if any.