

Rodha Devi Vs State Of HP & Ors

Court: High Court Of Himachal Pradesh

Date of Decision: Jan. 16, 2025

Hon'ble Judges: Bipin Chander Negi, J

Bench: Single Bench

Advocate: L.S. Mehta, Rajan Kahol

Final Decision: Disposed Of

Judgement

Bipin Chander Negi, J

1. Notice. Mr. Rajan Kahol, learned Addl. Advocate General appears and waives service of notice on behalf of the respondents.

2. By way of this writ petition, the petitioner has prayed for the following reliefs:-

Ã¢â‚¬Å“(a). That writ in nature of certiorari may kindly be issued for setting aside the office order dated 31.12.2023 (Annexure P-4).

(b). That the writ of mandamus may kindly be issued thereby directing the respondents to continue/re-induct the petitioner as Class-IV (Peon-cum-Chowkidar)

till attaining the age of superannuation i.e. 60 years in view of judgment dated 28.05.2024 passed by HonÃ¢â‚¬Å“ble Court in CWP No.2274 of 2021, titled as

Satya Devi Vs. State of HP & Ors (Annexure P-8) with all consequential benefits.Ã¢â‚¬Å“

3. The petitioner was engaged on part-time as Water Career on 27.04.2005. The services of the petitioner were converted into daily wage basis on

29.09.2014. Subsequent thereto, vide office order dated 14.11.2019, the services of the present petitioner were regularized. Admittedly, in the case at

hand, petitioner is a Class-IV Employee. She stood retired on 31.12.2023 on attaining the age of 58 years.

4. 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 come 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 dated 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.”

5. 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 (Satya Devi vs. State of H.P and others) and batch of cases.

6. Accordingly, impugned order dated 31.12.2023 (Annexure P-4) is quashed and writ petition is disposed of in terms of the aforesaid judgment and

the respondents are directed to continue the petitioner in service till she attains the age of 60 years.

Pending miscellaneous application(s), if any, shall also stand disposed of.