IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No.1170 of 2022
Decided on 20th July 2026

Smt. Raj (since deceased) through her legal representatives, namely, Smt. Vandana and another

…Petitioners

Versus

State of Himachal Pradesh and another

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting?

For the petitioners:	**Mr. B.M. Chauhan, Senior Advocate, with Ms. Kamakshi Tarlokta, Advocate.**
For the respondents:	**Mr. Pushpinder Jaswal, Additional Advocate General, for respondent No.1.** **Mr. Anil Thakur, Advocate, for respondent No.2.**

Ajay Mohan Goel, Judge (*Oral*)

By way of this writ petition, the petitioners have, *inter alia*, prayed for the following relief:-

> *"That a writ of mandamus may kindly be issued directing the respondents to pay pension to the petitioner in accordance with HP Corporate Sector Employees (pension, family pension, commutation of pension and gratuity) Scheme, 1999, Annexure P-2, on the voluntary retirement of her husband late Sh. Jai Ram Dhiman (Production Manager) on 24.09.2001, with all consequential benefits including interest with effect from the date of his retirement."*

2. This writ petition was filed by Smt. Raj, who is no more now and who stands substituted by her children, praying for issuance of a direction to the respondents to pay pension to the family of late Shri Jai Ram Dhiman, who was an employee of the respondent-Corporation and who sought voluntary retirement on 24.09.2001, i.e., the pension to which he was entitled to after his voluntary retirement and family pension to which the family was entitled to after his death.

3. During the pendency of this petition, Smt. Raj passed away and her children were brought on record.

4. The right of the late father of the present petitioners of being entitled to receive pension and his family thereafter being entitled to receive family pension is not in dispute.

5. A Scheme for granting pension was introduced by the State Government owned Corporations, which remained in force from 01.04.1999 to 02.12.2004. In terms of the litigation which emerged after the withdrawal of the said pension Scheme, it stood held that only those incumbents who superannuated between 01.04.1999 and 02.12.2004 were entitled to receive pension. This is not in dispute.

6. Late father of the present petitioners took voluntary retirement on 24.09.2001 during the currency of the pension Scheme.

7. A perusal of the reply filed by the Corporation demonstrates that the case of the petitioners stands admitted by the Corporation and the reason as to why needful is not being done, is monetary crunch.

8. This Court is of the considered view that monetary crunch cannot come in the way of the present petitioners to receive the benefits to which they are entitled to on account of their father having served the respondent Corporation. The Corporation is under obligation to pay to the present petitioners the arrears of pension to which their father was entitled to since his voluntary retirement up to the date of his death.

9. Similarly, the petitioners are also entitled to the arrears of family pension to which the family of the deceased employee was entitled to after his death.

10. The issue of the financial crunch not coming in the way of the respondents to do the needful has also been settled by the judgment of this Court in CWP-T No. 2530 of 2008, titled

R.K. Soni versus State of Himachal Pradesh and others, decided on 06.03.2009.

11. In fact, it is very, very saddening that the reason on account whereof the pensioners of the Corporation were being denied pension in the year 2009, has not changed even after almost two decades. The above demonstrates that either these Corporations are nothing but white elephants or they lack the intent to pay pensionary benefits to those who are entitled to the same.

12. In light of the fact that the rights of the petitioners stand crystallized and they have been admitted by the respondent-Corporation also, any further delay on the part of this Court in granting the relief to the petitioners will only add to the injustice which has already been meted out by the said petitioners.

13. Accordingly, this writ petition is allowed. The act of the respondents of not paying to the petitioners the arrears of pension as well as the family pension is held to be bad in law. Respondents are directed to pay to the petitioners the arrears of pension and family pension, as is due to them within a period

of three months from today. In case, the petitioners are entitled for family pension, then, family pension be released in their favour from due date. In case, arrears which are due to the petitioners are released in their favour within three months from today, then, the same shall not entail any interest, however, if payments are not made within the said period, then, the same shall entail interest @6% per annum from the date of the filing of this petition.

14. With these observations, the petition stands disposed of, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

July 20, 2026
(Vinod)