

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**CWP No.5654 of 2024**

**Decided on: 29.12.2025**

Des Raj

**.....Petitioner**

**Versus**

State of H.P. and others

**.....Respondents**

**Coram**

**Ms. Justice Jyotsna Rewal Dua**

**Whether approved for reporting?<sup>1</sup>**

For the Petitioner: Mr. Naresh Kaul, Advocate.

For the Respondents: Mr. Vishwadeep Sharma, Additional Advocate General for respondents No. 1 to 3 & 6.

Mr. Anil Thakur, Advocate, for respondent No.4.

Mr. Tek Ram Sharma, Advocate, for respondent No.5.

**Jyotsna Rewal Dua, Judge**

This writ petition has been filed for grant of following substantive reliefs:-

- a) That appropriate writ order or direction may very kindly be issued, directing the respondents to pay the amount of Gratuity and Leave Encashment with statutory interest from the date it became due and admissible to the petitioner i.e. 31.05.2023 alongwith penal interest after re-calculating the entire services/period of the petitioner w.e.f. 17.10.1982(fixed wages) to 01.10.1986 (fixed wages) & from 01.10.1986 (on fixed pay scale after

<sup>1</sup>Whether reporters of print and electronic media may be allowed to see the order? Yes.

regularization with HPAIC) till 01.11.2010 & from 01.11.2010 till 18.03.2020 ( on Secondment basis with H.P. Govt.) & from 18.03.2020 ( absorption with HP Govt.) to 31.05.2023 (retirement) i.e. about 37 years of service rendered with respondents No. 3, 4 & 6, in the interest of law, equity and justice.

b) That the action of the respondents by withholding and wrongly calculating the retiral benefits of the petitioner from due date till the date of its realization may kindly be held as illegal, arbitrary and violative of Article 14 and 16 of the constitution of India and the petitioner may be given compensation and litigation cost.”

**2.** After hearing learned counsel for the parties, following order was passed in the matter on 28.07.2025:-

“Learned counsel for respondent No.5 has handed over a bank draft in the sum of Rs.1500/- drawn in name of the petitioner, to his learned counsel in terms of previous order.

2. Reply filed by the respondent-State admits that petitioner’s representations dated 30.09.2023 and 06.10.2023 were received in the office of the Tehsildar, Indora, District Kangra, wherein petitioner had sought re-calculation of Death-cum-Retirement Gratuity (DCRG), seeking parity with one Sh. Bhagwan Dass. The petitioner therein had claimed DCRG amounting to Rs.11,09,920/-. Reply further states in para 23 that DCRG amounting to Rs.11,09,922/- corresponding to qualifying service of 36 years and 07 months computed in accordance with the benefits extended to aforesaid Sh. Bhagwan Dass was duly proposed by the Tehsildar in Form-7 and was forwarded to the office of the Principal Accountant General (A&E), Himachal Pradesh-respondent No.5, however, the said respondent approved the DCRG only in the sum of Rs.5,98,770/- out of Rs.11,09,922/-.

3. Respondent No.5 in its reply simply states that it had authorized DCRG in favour of the petitioner amounting to Rs.5,98,770/-. There is no reasoning given in the reply for not sanctioning the DCRG as

proposed to be given by respondent No.6 in favour of the petitioner.

4. Let learned counsel for respondent No.5 to have instructions on the aforesaid aspect from the concerned quarter.

List after two weeks."

**3.** In compliance to above, learned counsel for respondent No.5 placed on record office instructions dated 03.11.2025 conveying that communication had been addressed to the concerned Tehsildar on 25.09.2025 regarding calculation of Death-cum-Retirement Gratuity admissible to the petitioner. Taking note of the same, further order was passed as under on 03.11.2025:-

"Learned counsel for respondent No.5 has placed on record office instructions dated 03.11.2025, conveying that a communication was addressed to the concerned Tehsildar on 25.09.2025 with regard to the calculation of DCRG admissible to the petitioner. A copy of the aforesaid communication has also been appended along with the said office instructions.

Let learned Deputy Advocate General to have instructions from the concerned quarters about further communications exchanged between the concerned authority and respondent No.5. Due and admissible DCRG to the petitioner be computed by the next date.

List on 25.11.2025."

Matter was again heard on 25.11.2025 which led to passing of following order:-

"Learned Deputy Advocate General has placed on record office instructions dated 20.11.2025 from the Tehsildar Indora, District Kangra, H.P., conveying

that Himachal Pradesh Agro Industrial Corporation (HPAIC) has computed an amount of Rs.10,410,12/- due to the petitioner as DCRG for the period service rendered by him in HPAIC; The petitioner is entitled for a sum of Rs.1,00,902/- as DCRG for the service rendered by him in the Revenue Department. Learned Deputy Advocate General submits that out of this total amount of Rs.11,41,914/, an amount of Rs.5,98,770/- has already been released to the petitioner as DCRG and the remaining amount will be released after requisite sanction in this regard is granted by respondent No.5.

2. Let learned counsel for respondent No.5 process the matter for sanctioning the balance amount of DCRG due to the petitioner within ten days.

List the matter for further orders on 09.12.2025."

On 09.12.2025, learned counsel for respondent No.5 placed on record office instructions dated 08.12.2025 conveying that out of total sanctioned amount of ₹10,41,012/- towards Gratuity, an amount of ₹5,98,770/- had already been authorized in petitioner's favour and remaining Gratuity amounting to ₹4,42,242/- had been vetted for payment. The respondents were accordingly directed to remit the remaining Gratuity amount i.e. ₹4,42,242/- in petitioner's bank account by the next date. The respondents were also directed to have instructions about admissibility of further claimed amount of ₹1,00,902/- by the petitioner as Gratuity for the services

rendered by him in the Revenue Department. The order passed on 09.12.2025 reads as under:-

“Learned counsel for respondent No.5 has placed on record office instructions dated 08.12.2025, conveying that out of total sanctioned amount of Rs.10,41,012/-, an amount of Rs.5,98,770/- has already been authorized in favour of the petitioner and the remaining gratuity amounting to Rs.4,42,242/- has been vetted for payment.

2. Learned counsel for the petitioner points out that in terms of the previous order passed in this matter on 25.11.2025, learned Deputy Advocate General had placed on record instructions to the effect that total amount due to the petitioner was Rs. 10,41,012/- + Rs. 1,00,902/- (service rendered in Revenue Department) =Rs.11,41,914/-. Therefore, in addition to Rs.4,42,242/-, respondents are also liable to pay to the petitioner a further amount of Rs.1,00,902/-.

3. Learned counsel for respondent No.5 submits that the above amount of Rs.1,00,902/- is not admissible to the petitioner as the service was rendered by him in the Revenue Department only for one year i.e. less than five years.

4. Let learned Deputy Advocate General have instructions in the matter about admissibility of amount of Rs.1,00,902/- to the petitioner for the services rendered by him in the Revenue Department. In the meanwhile, the amount, which is admittedly due to the petitioner, i.e. Rs. 4,42,242/- be remitted in his bank account by the next date.

List on 29.12.2025.”

In compliance to above, learned Additional Advocate General has placed on record office instructions dated 27.12.2025. As per these office instructions, remaining Gratuity amount of ₹4,42,242/- has been

released in favour of the petitioner. This fact is acknowledged by learned counsel for the petitioner. For the surviving issue of release of amount of ₹1,00,902/- as Gratuity to the petitioner for the services rendered by him in the Revenue Department, the office instructions are to the effect that since in terms of Rule 50 of the Central Civil Services (Pension) Rules, 1972, the petitioner had not rendered minimum qualifying service of five years in the Revenue Department, therefore, he is not entitled to this amount as Gratuity.

**4.** At this stage, learned counsel for the petitioner submits that petitioner had retired on 31.05.2023. The Gratuity due and admissible to the petitioner was released by the respondents only pursuant to orders passed in this writ petition from time to time, therefore, petitioner is also entitled to statutory interest. There is substance in the petitioner's request. The respondents had not released the Gratuity due and admissible to the petitioner at the relevant time. Hence, there shall be direction to the respondents No. 1 to 4 and 6 to pay interest @5% p.a. to the petitioner on the delayed payment of Gratuity from due date till the date of payment. This liability be cleared within six weeks, failing which, interest liability shall become @6% p.a.

Learned counsel for the petitioner submitted that there are certain other issues which have come to the petitioner's notice concerning wrong fixation of his pay, on going through the reply/instructions filed by the respondents, hence, liberty be reserved to the petitioner to seek appropriate remedy for the redressal of his above grievances which have come to the petitioner's notice and which affect his financial benefits.

The writ petition is disposed of with above directions. Liberty is reserved to the petitioner to seek appropriate remedy for the redressal of his new found grievances in accordance with law. All pending applications, if any, to also stand disposed of.

December 29, 2025  
*yogesh*

Jyotsna Rewal Dua  
Judge