

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**CWP No.7642 of 2026 alongwith
connected matters**

Decided on: 6th October, 2026

1. CWP No.7642 of 2026

Dr. Kamal Sharma.

...Petitioner.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

2. CWP No.7800 of 2026

Durga Dutt Dinesh.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

3. CWP No.7801 of 2026

Vibha Chauhan.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

4. CWP No.7802 of 2026

Rajeshwar Kumar.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

5. CWP No.7803 of 2026

Naryan Singh Thakur.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

6. CWP No.7804 of 2026

Shashi Bhardwaj.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

7. CWP No.7805 of 2026

Man Mohan Sharma.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

8. CWP No.7807 of 2026

Rakesh Kumar Gupta.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

9. CWP No.7808 of 2026

Lalit Bhardwaj.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

10. CWP No.7809 of 2026

Ganesh Dutt Dubey.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

11. CWP No.7810 of 2026

Narender Singh.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

12. CWP No.8522 of 2026

Papinder Kumar.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

13. CWP No.8523 of 2026

Ramesh Chand Verma.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

14. CWP No.8524 of 2026

Arun Singh.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

15. CWP No.8525 of 2026

Ved Parkash Sharma.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

16. CWP No.8527 of 2026

Jag Dyal Shyam.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

17. CWP No.8532 of 2026

Dinesh Kumar Bhardwaj.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

18. CWP No.8533 of 2026

Neel Thakur.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

19. CWP No.8539 of 2026

Vinod Kumar Rana.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

20. CWP No.8542 of 2026

Narinder Kaushal.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

21. CWP No.8545 of 2026

Amar Singh Masta.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

22. CWP No.8552 of 2026

Rajesh Bhalla.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

23. CWP No.8580 of 2026

Vimal Kumar Chauhan.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

24. CWP No.8695 of 2026

Jagdish Sharma.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

25. CWP No.8696 of 2026

Nitya Nand Sharma.

...Petitioner.

Versus

Dr. YSPUHF & Anr.

...Respondents.

26. CWP No.8697 of 2026

Ram Swaroop.

...Petitioner.

Versus

Dr. YSPUHF Nauni Solan & Anr.

...Respondents.

Coram**Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**For the Petitioners: Mr. Vaibhav Singh Chauhan, Advocate,
in CWP No.7642 of 2026.Mr. Radhey Shyam Gautam, Advocate,
in all the matters except CWP No.7642
of 2026.For the Respondents: Ms. Seema Sharma, Deputy Advocate
General, for the respondents-State in all
the matters.Mr. Deepak Sharma, Advocate, for the
respondent-Dr. Y.S. Parmar University
of Horticulture & Forestry in all the
matters.-----
Jyotsna Rewal Dua, Judge

Petitioners are retired employees of the respondent-Dr. Y.S. Parmar University of Horticulture and Forestry. They have preferred these writ petitions with the grievance that even years after their retirement, they are still awaiting release of leave encashment due to them at the time of their superannuation. Tabulated details of the

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

petitioners with their respective dates of retirement in these petitions is as under (as provided by learned counsel for the petitioners):-

Sr. No.	CWP No.	Title	Date of Retirement
1.	CWP No. 7642 of 2026	<i>Dr. Kamal Sharma v. State of H.P. & Ors.</i>	30/04/2024
2.	CWP No. 7800 of 2026	<i>Durga Dutt Dinesh v. Dr. YSPUHF Nauni Solan & Anr.</i>	29/02/2024
3.	CWP No. 7801 of 2026	<i>Vibha Chauhan v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/09/2024
4.	CWP No. 7802 of 2026	<i>Rajeshwar Kumar v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/06/2024
5.	CWP No. 7803 of 2026	<i>Naryan Singh Thakur v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/01/2024
6.	CWP No. 7804 of 2026	<i>Shashi Bhardwaj v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/09/2024
7.	CWP No. 7805 of 2026	<i>Man Mohan Sharma v. Dr. YSPUHF Nauni Solan & Anr.</i>	29/02/2024
8.	CWP No. 7807 of 2026	<i>Rakesh Kumar Gupta v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/04/2025
9.	CWP No. 7808 of 2026	<i>Lalit Bhardwaj v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/09/2024
10.	CWP No. 7809 of 2026	<i>Ganesh Dutt Dubey v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/05/2025
11.	CWP No. 7810 of 2026	<i>Narender Singh v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/07/2023
12.	CWP No. 8522 of 2026	<i>Papinder Kumar v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/05/2024

Sr. No.	CWP No.	Title	Date of Retirement
13.	CWP No. 8523 of 2026	<i>Ramesh Chand Verma v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/06/2024
14.	CWP No. 8524 of 2026	<i>Arun Singh v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/03/2024
15.	CWP No. 8525 of 2026	<i>Ved Parkash Sharma v. Dr. YSPUHF Nauni Solan & Anr.</i>	29/02/2024
16.	CWP No. 8527 of 2026	<i>Jag Dyal Shyam v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/07/2024
17.	CWP No. 8532 of 2026	<i>Dinesh Kumar Bhardwaj v. Dr. YSPUHF Nauni Solan & Anr.</i>	28/02/2025
18.	CWP No. 8533 of 2026	<i>Neel Thakur v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/07/2023
19.	CWP No. 8539 of 2026	<i>Vinod Kumar Rana v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/03/2025
20.	CWP No. 8542 of 2026	<i>Narinder Kaushal v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/04/2025
21.	CWP No. 8545 of 2026	<i>Amar Singh Masta v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/07/2024
22.	CWP No. 8552 of 2026	<i>Rajesh Bhalla v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/05/2024
23.	CWP No. 8580 of 2026	<i>Vimal Kumar Chauhan v. Dr. YSPUHF Nauni Solan & Anr.</i>	29/02/2024
24.	CWP No. 8695 of 2026	<i>Jagdish Sharma v. Dr. YSPUHF Nauni Solan & Anr.</i>	30/09/2024
25.	CWP No. 8696 of 2026	<i>Nitya Nand Sharma v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/03/2024
26.	CWP No. 8697 of 2026	<i>Ram Swaroop v. Dr. YSPUHF Nauni Solan & Anr.</i>	31/03/2025

2. Respondents have not filed replies to these writ petitions, however, office instructions were placed on record for them during hearing of the writ petitions from time to time. In these office instructions, the respondent-University has not disputed claims of the petitioners towards leave encashment as admissible to them. Facts are not in dispute. The stand taken in the office instructions is that the University is not in possession of adequate funds to meet its liabilities; Income generated by the University is not sufficient to take care of its liabilities; Grant-in-Aid being received by the University from the Government is also not sufficient to enable the respondent-University to do the needful.

3. Pursuant to the orders passed in these writ petitions from time to time, more particularly, order dated 10.08.2026, the respondent-University has placed on record 'Proposed Tangible Roadmap' regarding 'mechanism of payment of Gratuity and Leave Encashment to its employees'. The said Roadmap (Annexure R-2 in CWP No.7642 of 2026), *inter alia*, records that petitioners are regularly receiving their monthly pension in revised pay scale; University has been facing challenging financial issues over the last several years owing to inadequate internal resources, substantial rise in committed liabilities

and increased establishment expenditure; The available resources have primarily been utilized towards meeting unavoidable recurring liabilities, such as payment of salaries, pension, electricity & water charges, POL charges, contingencies, statutory dues and other essential operational expenditures to ensure smooth functioning of the University. The roadmap gives out status of assets and liabilities of the respondent-University. Paras 14 and 15 of the roadmap pertain to outstanding liability of the respondent-University towards Leave Encashment and Gratuity towards its retirees including the present petitioners. These paras read as under:-

“14. That the aforesaid measures have already been initiated and are expected to progressively strengthen the financial position of the University in the future. As additional resources are generated, the outstanding dues of Leave Encashment shall be released in a phased and priority-based manner, subject to availability of funds. In spite of above financial constraints and liabilities enlisted above, the University has released full Gratuity to retirees up to April 2025 and has also released full leave encashment upto April, 2023. It is submitted that the delay in release of leave encashment is neither deliberate nor intentional but is attributable to the financial constraints presently being faced by the University.

15. In view of the submission made supra, the University reiterates its firm commitment to honour all the statutory retirement benefits payable to its retired employees. The delay in payment of gratuity and leave encashment to retirees in the instant' case has occurred solely due to unavoidable financial constraints explained above and not on account of any unwillingness on the part of the University and every sincere effort is being made to improve the financial position of the University so that the pending liabilities

may be liquidated at the earliest possible. A payment plan indicating the manner in which the University, proposes to meet the said outstanding liabilities is submitted as under.....”

4. In the above extracted roadmap, the respondent-University admits that it has not released Leave Encashment to its employees, who retired w.e.f. 01.05.2024 onwards. Petitioners in all these writ petitions include even those who retired before 01.05.2024. More than two years have gone by. Admissible leave encashment still remains to be paid to the petitioners.

It is well settled that paucity of funds is no ground for not releasing the amount due and admissible to the employees, more so, while considering the cases of release of terminal benefits to the retired employees. It would be appropriate to extract relevant portion in this regard from ***D.S. Nakara & Ors Vs. Union of India***² :-

“20. The antiquated notion of pension being a bounty a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deoki Nandan Prasad v. State of Bihar and Ors.³ wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a Government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon any one's

² (1983) 1 SCC 305

³ [1971] Supp. S.C.R. 634

discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in State of Punjab and Anr. v. Iqbal Singh⁴.

21.

22. *In the course of transformation of society from feudal to welfare and as socialistic thinking acquired respectability, State obligation to provide security in old age, an escape from undeserved want was recognised and as a first step pension was treated not only as a reward for past service but with a view to helping the employee to avoid destitution in old age. The quid pro quo, was that when the employee was physically and mentally alert he rendered unto master the best, expecting him to look after him in the fall of life. A retirement system therefore exists solely for the purpose of providing benefits. In most of the plans of retirement benefits, everyone who qualifies for normal retirement receives the same amount, (see Retirement Systems for Public Employees by Bleakney, page 33.).*

23-27.

28. *Pension to civil employees of the Government and the defence personnel as administered in India appear to be a compensation for service rendered in the past. However, as held in Douge v. Board of Education⁵ a pension is closely akin to wages in that it consists of payment provided by an employer, is paid in consideration of past service and serves the purpose of helping the recipient meet the expenses of living. This appears to be the nearest to our approach to pension with the added qualification that it should ordinarily ensure freedom from undeserved want."*

In *North Delhi Municipal Corporation Vs. Dr.*

***Ram Naresh Sharma & Ors.*⁶, the Hon'ble Apex Court observed that the State cannot be allowed to plead financial**

⁴ (1976) 3 SCR 360

⁵ 302 US 74 83 L. Ed. 57

⁶ (2021) 17 SCC 642

burden to deny salary for the legally serving doctors, otherwise it would violate their rights under Articles 14, 21 and 23 of the Constitution. ***Punjab State Cooperative Agricultural Development Bank Limited Vs. Registrar Cooperative Societies and Ors.***⁷ observed that non-availability of financial resources would not be a defence available to the appellant Bank in taking away the vested rights accrued to the employees that too when it is for their socio economic security. It is an assurance that in their old age, their periodical payment towards pension shall remain assured. The pension which is being paid to them is not a bounty and it is for the appellant to divert the resources from where the funds can be made available to fulfil the rights of the employees in protecting the vested rights accrued in their favour.

The respondent-University has not denied its liability for paying Leave Encashment duly sanctioned in favor of the petitioners. The liability is admitted. Facts are not in dispute. Ground of financial crunch put forth by the respondents cannot be accepted to deny the legitimate rights of the petitioners to receive the entitled amount of leave encashment. Retired employees of the respondent-University have right to get timely payment of leave

⁷ (2022) 4 SCC 363

encashment to live a dignified life post their superannuation. The petitioners have earned this right because of their long service. The right accrued to them at the time of superannuation. The right of retired employee to timely receive terminal benefits is inherent concept of service jurisprudence and advances the right to live with dignity provided to them by Article 21 of the Constitution of India. The petitioners did not retire abruptly or unexpectedly. Respondent-University was well aware of their dates of retirement. It was for the respondents to have made adequate arrangements & well in time to ensure timely discharge of its financial liabilities towards the petitioners at the time of their superannuation. Poor financial health/non-receipt of funds cannot be accepted as ground for denying payment of retiral benefits. The petitioners retired from service long ago. It is more than three years since the senior most petitioner superannuated. They are still awaiting complete payment of leave encashment. Respondent-University has not even given any time frame for defraying its legal obligation. The petitioners cannot be expected to wait for eternity for release of their remaining retiral benefits.

5. In view of above, these writ petitions are disposed of with direction to the respondent-University to

release due and admissible Leave Encashment to the petitioners within four weeks from today, i.e. by or before **04.11.2026**, failing which, the amount shall carry interest at 5% per annum from the actual due date.

The writ petitions stand disposed of in the above terms, so also the pending miscellaneous application(s), if any.

October 06, 2026
Mukesh

Jyotsna Rewal Dua
Judge