

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.13311 of 2026

Decided on: 5th October, 2026

Rajeshwar Dayal Janartha

.....**Petitioner**

Versus

State of H.P. and others

.....**Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?¹

For the Petitioner: Mr. Shrawan Dogra, Senior Advocate
with Mr. Tejasvi Dogra, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General
with Mr. Sikander Bhushan, Deputy
Advocate General, for respondents
No.1 and 2.

Mr. Balram Sharma, DSGI with
Mr. Surila Sangam, Advocate, for
respondent No.3.

Jyotsna Rewal Dua, Judge

Following order was passed in this matter on

01.10.2026:-

“Order dated 21.09.2026 has not been implemented by the respondents. In terms of the said order, gratuity was required to be paid to the petitioner, as the disciplinary proceedings had not been taken to their logical conclusion as on 21.09.2026. The order is as under: -

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

“Reply on behalf of the respondents has not been filed. Learned Senior Counsel for the petitioner refers to Annexure P-9, wherein stand of Accountant General has already been noticed that gratuity, though authorized in favour of the petitioner, is not being released to him on account of pendency of the disciplinary proceedings. Annexure P-9, is the judgment rendered on 05.01.2026 in CWP No.12301 of 2025, (titled Rajeshwar Dayal Janartha vs. State of Himachal Pradesh and others,) wherein following operative directions were issued:

“Consequently, in view of the above, this Court, without going into the merits of the case, deems it fit to dispose of the same with direction to the Secretary, Excise and Taxation, Government of Himachal Pradesh, to ensure that disciplinary proceedings in terms of notice dated 1.8.2022 (Annexure P-2) are taken to its logical end, expeditiously, preferably within three months, failing which petitioner would be at liberty to approach this Court for release of gratuity, which has been otherwise authorized by the competent authority i.e. office of Accountant General. Ordered accordingly. Pending applications, if any, stand disposed of.”

It is the case of the petitioner that disciplinary proceedings have not been taken to their logical end; That no further progress in the aforesaid proceedings was made after the judgment dated 05.01.2026. In case, this is the factual position, let respondents No. 1 and 2 release the gratuity that has already been authorized by the office of Accountant General in favour of the petitioner and file compliance report on the next date. List on 01.10.2026.”

2. The matter was listed today for compliance of the directions issued in the aforesaid order, viz. for releasing gratuity to the petitioner, which had been authorized in his favour by the office of the Accountant General. The direction has not been implemented. The direction to release the gratuity was issued keeping in view the operative part of the judgment rendered on 05.01.2026 in CWP No. 12301/2025, previously

instituted by the petitioner with the grievance that the disciplinary proceedings were not being taken to their logical end and, consequently, the gratuity due to the petitioner had not been released. Keeping in view the directions already issued in the aforesaid decision, respondents No. 1 & 2 were directed to release the admissible gratuity to the petitioner, since the disciplinary proceedings had not been completed against the petitioner even on 21.09.2026. Compliance in terms of the order dated 21.09.2026 has not been made.

At the request of learned Advocate General, the matter is adjourned to 05.10.2026 to enable the respondents to place on record compliance of the order dated 21.09.2026.”

Pursuant to above order, learned Deputy Advocate General has placed on record office instructions dated 03.10.2026 from the Commissioner of State Taxes & Excise, Himachal Pradesh, conveying sanction order having been passed in petitioner's favour on 03.10.2026, authorizing retirement gratuity amounting to Rs.20 Lakhs in his favour. Copy of the office order dated 03.10.2026 has also been appended with the office instructions.

Taking note of the office instructions and office order dated 03.10.2026, the present writ petition to stand disposed of as grievance of the petitioner raised in this writ petition has been redressed. Pending miscellaneous application(s), if any, also stand disposed of. Liberty is, however, reserved to the petitioner to seek appropriate

remedy in accordance with law for the redressal of his surviving grievances, if any.

October 05, 2026
Mukesh

Jyotsna Rewal Dua
Judge