



**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 1744 of 2026
Date of Decision:10.02.2026**

Nar Singh

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Arun Gupta, Advocate for
Mr. Parveen Sharma, Advocate
for the petitioner

Ms. Ambika Luthra, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 is seeking direction to respondents to release his retiral dues.

2. The petitioner joined Haryana Police Force as Assistant Sub-Inspector on 12.06.1998. He was promoted from time to time. He retired from the post of Deputy Superintendent of Police (DSP) on 31.10.2024. He served legal notice dated 03.09.2025 for not releasing his retiral benefits. Commandant, 1st IRB, Bondsri, Gurugram vide letter dated 19.09.2025 informed him that his financial benefits are linked with District Police, Sonipat, thus copy of his legal notice was forwarded to Commissioner of Police, Sonipat. He served legal notice dated 01.10.2025 upon Commissioner of Police, Sonipat to do the needful.



3. Reply by way of affidavit dated 09.02.2026 of Sh. Simrandeep Singh, IPS, Officiating Commissioner of Police, Sonipat on behalf of respondents No. 1 to 3 is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel submits that petitioner was implicated in FIR No. 187 dated 09.05.2024, under Sections 3(1)(p), 3(1)(q) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station City Sonipat. He retired on 31.10.2024, meaning thereby, he was implicated in aforesaid FIR prior to his retirement. As per Rule 69 of Haryana Civil Services (Leave) Rules, 2016 (for short "Leave Rules") and Rule 81 of Haryana Civil Service (Pension) Rules, 2016 (for short "Pension Rules"), the competent authority is empowered to withhold gratuity, pension and leave encashment during pendency of criminal or departmental proceedings.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner retired on 31.10.2024 and FIR was registered on 09.05.2024. As per petitioner, police report was not filed prior to his retirement. There is nothing on record disclosing date of initiation of departmental proceedings. In the reply, there is bald averment that petitioner has been subjected to departmental proceedings on 25.09.2025.

7. Rule 69 of Leave Rules and Rule 81 of Pension Rules relied upon by respondent are reproduced as below:-

Rule 69 of Leave Rules

“Withholding of leave encashment.-



The authority competent to sanction leave may withhold whole or part of cash equivalent of leave salary in lieu of unutilized earned leave in the case of a Government employee who retires from service while under suspension or against whom disciplinary or criminal proceedings are pending at the time of retirement or quitting service, if in the view of such authority there is a possibility of some money becoming recoverable from him on the conclusion of the proceedings against him. On the conclusion of the proceedings he shall become eligible to the amount so withheld after adjustment of Government dues, if any. In cases where disciplinary or criminal proceedings in case of grave misconduct are likely to result in withholding of pension in full, no amount of leave encashment shall be paid untill conclusion of such proceedings.”

Rule 81 of Pension Rules

“81. Provisional pension only where proceedings are pending at the time of retirement.-

(1) (a) In respect of a Government employee against whom departmental or judicial proceedings are pending at the time of retirement, the Principal Accountant General (Accounts & Entitlement), Haryana shall authorize the provisional pension equal to the maximum pension which shall have been admissible on the basis of qualifying service up to the date of retirement of the Government employee, or if he was under suspension on the date of retirement, upto the date of immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorised by the Principal Accountant General (Accounts &



Entitlement), Haryana during the period commencing from the date of retirement up to and including the date on which, after the concluding of departmental or judicial proceedings. Final orders are passed by the competent authority.

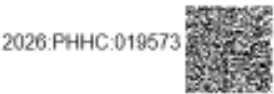
- (c) No gratuity and commuted value of pension shall be authorised to the Government employee until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.*

Note.- *This provision shall also be applicable where-*

- (i) the departmental proceedings under Rule 8 of Haryana Civil Services (Punishment & Appeal) Rules, 2016 involving any financial loss to Government are pending at the time of retirement.*
- (ii) any complaint against the Government employee pertaining to his dishonesty is pending in State Vigilance Bureau, Lok Ayukat or in any Government Investigation Agency at the time of retirement.*

(2) Payment of provisional pension made under sub-rule (1) (a) shall be adjusted against final pensionary benefits sanctioned to such Government employee upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

Note.- *Where any complaint against a Government employee is pending in the office of Lokayukat Haryana shall be given pensionary benefits after consultation with the Lokayukat.”*



8. As per Rule 69 of Leave Rules, leave encashment may be withheld if there is possibility of some money becoming recoverable from the delinquent. In the Punjab Civil Services Rules, it has been specifically clarified that what would be date of initiation/pendency of departmental or criminal proceedings, however, learned counsel for the parties, in the instant case, are unable to point out particular rule prescribing date of initiation of departmental or criminal proceedings.

9. As per Rule 69 of Leave Rules and 81 of Pension Rules, there would be order to withhold leave encashment and gratuity, however, there is no such order on record.

10. In the backdrop, this Court deems it appropriate to direct the respondents to pass an appropriate order with respect to leave encashment and gratuity claimed by petitioner. It would be appropriate if order is passed after granting him opportunity of hearing. The needful shall be done within three months from today.

11. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

10.02.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	