



CWP-36658-2025

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

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CWP-36658-2025

Date of Decision: 25.03.2026

Katar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Jagjeet Singh Beniwal, Advocate for the petitioner
Mr. Akshit Pathania, Assistant Advocate General, Haryana
Mr. Shivam Sachdeva, Advocate for respondent Nos.2 &3
Ms. Parbeen Kumari Dharwal, Advocate
for Mr. Gunjan Mehta, Advocate for respondent No.4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents not to release retrial benefits of respondent No.4-Ravinder Kumar who has retired as Accountant from Mewat Model Schools Society, Nuh. He is further seeking direction to respondents to recover approximately ₹75 Lakhs from respondent No.4 on account of excess payment.

2. Respondent No.4-Ravinder Kumar was appointed as Accountant on 02.03.1991. During 1997, three Mewat Model Schools were handed over to Delhi Public School Society to promote quality education. Ravinder Kumar was appointed as Administrative Officer. He was further promoted as Administrative Officer-cum-Financial Officer. As per petitioner, Ravinder Kumar committed serious financial irregularities and embezzled ₹3.42 Crores. The State Government on 16.03.2005 terminated agreement

with Delhi Public School Society. In June' 2005, Ravinder Kumar tendered



his resignation which was accepted. He again joined on 15.02.2006. He on 05.10.2006 requested to protect his pay as per Last Pay Certificate issued by Director, D.P.S. (Mewat). He was wrongly granted previous service benefits, consequently was excessively paid to the tune of ₹75 Lakhs during February' 2006 to January 2025. The Deputy Commissioner vide order dated 30.01.2025 constituted a Committee to verify pay of Ravindra Kumar. The Committee in its report dated 27.02.2025 found that pay fixation was contrary to government instructions. The order of pay protection issued by Mewat Model Schools Society was not as per Haryana Civil Services Rules. The petitioner and other citizens filed complaint before learned Lokayukta. The official respondents filed their reply. Ravindra Kumar is trying to get released his retirement benefits by adopting unfair means.

3. The petitioner claims that the matter is pending before learned Lokayukta and he apprehends that official respondents may release retiral dues of respondent No.4. As per Service Rules, if departmental or judicial proceedings are pending against an employee, the employer may withhold retiral dues. Respondent No.4 is facing inquiry before learned Lokayukta, thus, his retiral dues may be withheld.

4. The retiral dues i.e. gratuity, provident fund, leave encashment and pension are governed by applicable Service Rules. Normally, the employer is authorized and competent to withhold gratuity and leave encashment, if departmental or criminal proceedings are pending against retiree. This matter has to be examined by jurisdictional competent authority. Every employee is subjected to applicable Rules. If the Rules permit to withhold gratuity or leave encashment, the Authorities may withhold,

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however, subject to compliance of terms and conditions enumerated in the Rules.

5. This Court is sanguine that employer of respondent No.4- Ravindra Kumar would consider applicable Rules while contemplating his entitlement to gratuity and leave encashment.

6. Needless to mention that this Court has not expressed any opinion on merits of the case.

7. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

25.03.2026*Mohit Kumar*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No