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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 112/2023, CM APPL. 4966/2023

LAXMI NARAIN.

.....Petitioner

Through: *Appearance not given.*

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Rishi Kant Singh, Advocate for
DUSIB/ R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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24.04.2026

1. The Petitioner has been denied leave encashment and gratuity upon retirement from service. He submits that two of his colleagues, who were similarly situated, had approached this Court seeking release of all terminal dues, including the remaining 50% amount towards leave encashment and gratuity. In this regard, reliance is placed on the orders passed in W.P.(C) No. 3016/2021 titled ***Kishan Lal Taneja v. Govt. of NCT of Delhi & Ors.*** and W.P.(C) No. 10400/2021 titled ***Rajinder Khurana v. Government of NCT of Delhi & Anr.***, wherein the Respondents have been directed to release the balance terminal dues within a stipulated period, subject to filing of an undertaking that the amounts would be refunded with interest, if so directed by a competent court, in the event the judgment of acquittal dated 28th February, 2017 is set aside. The Petitioner asserts that he is similarly placed and is, therefore, entitled to similar relief.

2. Mr. Rishi Kant Singh, counsel for Respondent No. 2, opposes the



petition, contending that the Petitioner's case is distinguishable from the aforesaid decisions. He submits that in ***Kishan Lal Taneja***, the Court was persuaded by the advanced age of the petitioner therein. He further contends that the Petitioner herein was not honourably acquitted, but was extended the benefit of doubt, and therefore, in terms of DoPT Office Memorandum dated 14th September, 1992, the Petitioner herein is not entitled to release of the said benefits.

3. The Court has considered the aforesaid submissions. It is not in dispute that the Petitioner was a co-accused along with ***Kishan Lal Taneja*** and ***Rajinder Khurana*** in Criminal Case No. 111/2008. All three accused were acquitted by judgment dated 28th February, 2017, rendered by the Special Judge (PC Act) (ACB) (Central-05), Tis Hazari Courts, Delhi. It is also undisputed that the said judgment is under challenge in proceedings under Section 378(1) of the Code of Criminal Procedure, 1973, wherein leave to appeal has been sought and is pending consideration since 2017. There is no material on record to indicate that the operation of the said judgment of acquittal has been stayed.

4. The distinction sought to be drawn by Mr. Singh on the ground of age disparity does not merit acceptance. The decision in ***Kishan Lal Taneja*** was not rendered solely on account of the advanced age of the petitioner therein, but primarily on the principle that mere pendency of proceedings seeking leave to appeal against an acquittal cannot be a ground to withhold retiral benefits, particularly when the judgment of acquittal continues to operate.

5. The contention that the Petitioner was acquitted only on benefit of doubt also does not persuade this Court to take a different view. Once the competent court has acquitted the Petitioner, and the said judgment has



neither been stayed nor set aside, the Petitioner cannot be deprived of his lawful retiral dues on that basis. The applicability of the DoPT Office Memorandum dated 14th September, 1992, in the facts of the present case, does not override the legal position emerging from the aforesaid judicial precedents.

6. The Petitioner stands on identical footing as the petitioners in ***Kishan Lal Taneja*** and ***Rajinder Khurana***, having been a co-accused in the same criminal proceedings and acquitted by the same judgment. The challenge to the said acquittal has remained pending since 2017 without any order staying its operation. In such circumstances, denial of the Petitioner's retiral dues would be unjustified and contrary to the principle of parity.

7. Accordingly, in terms of the decisions in ***Kishan Lal Taneja*** and ***Rajinder Khurana***, the present petition is allowed. The Respondents are directed to release the balance terminal dues of the Petitioner, including the remaining 50% amount towards leave encashment and gratuity, within a period of eight weeks from today.

8. The aforesaid release shall, however, be subject to the Petitioner filing an undertaking before this Court within a period of one week from today, to the effect that in the event the judgment of acquittal dated 28th February, 2017 is set aside, the amounts so received shall be refunded with interest, as may be directed by the competent court.

9. The petition, along with pending application(s), is disposed of in the above terms.

SANJEEV NARULA, J

APRIL 24, 2026/nk