

Dina Nath vs State of Himachal Pradesh and others

CWP No. 7105 of 2023

06.05.2026 Present: Mr. Arjit Singh, Advocate for the petitioner.

Mr. Pushpender Jaswal, Additional Advocate General for the respondents-State.

By way of this writ petition, the petitioner has *inter alia* prayed for the following relief:-

“(I) That the respondents may be directed to relive the petitioner in pursuance to order dated 9.12.2025, Annexure P-3 in a time bound manner.

(II) That respondents may be directed to decide the representation made by the petitioner vide annexure P-4.

(III) That the respondents may be directed to allow the petitioner to join at District Controller, Food and Civil Supplies, Mandi.”

The petitioner is aggrieved by the fact that his retiral benefits have been withheld by the Authorities on account of an FIR registered against him and certain other persons, i.e. FIR No. 347 of 2011, registered at Police Station Sadar, Kullu.

When the matter was taken up for consideration, learned Counsel for the petitioner apprised the Court that two other co-accused had approached this Court, seeking same reliefs and the Hon’ble Coordinate Bench of this Court has been pleased to allow their respective petitions. He has handed over the copies of the judgment passed by Hon’ble

Coordinate Bench in CWPOA No. 612 of 2019, titled as Rajinder Kumar vs. State of H.P. and others, decided on 03.05.2024 as well as in CWPOA No. 5526 of 2019, titled as Om Parkash vs. State of H.P. and others, decided on 09.04.2025 and a perusal thereof demonstrates that Hon'ble Coordinate Bench has been pleased to order the release of retiral benefits, if otherwise permissible under the Rules, including the leave salary, commutation, death-cum-retirement Gratuity etc. by holding that it was evident from the reply filed by the State that in FIR No. 347 of 2011, an Untraced Report has already been filed in the Court, however, the Court had not taken a final decision thereupon. It was also observed by the Hon'ble Coordinate Bench that in the disciplinary proceedings conducted against the said accused, they were exonerated.

It is not in dispute that the petitioner is also one of the accused in FIR No. 347 of 2011, in which, an Untraced Report has been filed after the investigation by the Police and the same is pending consideration before the learned Trial Court. However, a perusal of the reply filed by the respondents in the present case demonstrates that the Untraced Report submitted by the Investigating Officer was not accepted by the Court and the matter was sent back to the police for further investigation. Further the proceedings related to the enquiry report demonstrate that the name of the petitioner is not amongst the incumbents qua whom

there is an observation that *prima facie* no mistake was found on their part.

At this stage, learned Counsel for the petitioner submitted that as per his instructions, some other Enquiry Officer conducted the enquiry in the case of the petitioner and he prayed that some time be granted to him to confirm this fact and revert back to the Court.

List on 28.05.2026 to enable learned Counsel for the petitioner to do the needful. In the meanwhile, learned Additional Advocate General to have instructions as to what happened after the matter was sent back to the police for re-investigation.

(Ajay Mohan Goel)
Judge

May 06, 2026
(narender)