



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 17204 of 2025

Decided on: 22.04.2026

Meena Kumari

... Petitioner

Versus

State of H.P. and others

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ Yes

For the petitioner : Mr. Kul Bhushan Khajuria, Advocate.

For the respondents : Mr. Anup Rattan, Advocate General
with Mr. Rajpal Thakur, Additional
Advocate General.

Ajay Mohan Goel, Judge (Oral)

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

“(i) That in view of the facts and circumstances mentioned hereinabove in this writ petition, the writ petition may kindly be allowed and the respondent department may kindly be directed to release the retiral dues, i.e. Leave Encashment, Gratuity, GIC and pension to the petitioner w.e.f. 1.3.2025.”

2. The grievance of the petitioner is that her retiral benefits and other dues, qua which she becomes entitled to, post her superannuation, have not been released to her.

3. The stand of the respondents-State why the emoluments were not released to the petitioner post retirement stands spelled out

¹ *Whether reporters of the local papers may be allowed to see the judgment?*



in the preliminary submissions of the reply, para-1 whereof is quoted herein below:-

“Preliminary submissions:-

1. That the petition as filed by the petitioner is not maintainable under the law and deserves to be dismissed. There are no grounds with the petitioner to file the petition against the respondents in view of the facts which are being narrated in detail in the subsequent paras.

It is humbly submitted that the petitioner was initially appointed as Peon in the respondent deptt. on 27.05.2004 and was posted in the office of respondent No.5. During the service of petitioner in the office of the respondents, she was also promoted to the post of Clerk w.e.f. 10.10.2017 on notional basis and on regular basis from the date of joining to the post. The petitioner accordingly joined the post after promotion. The petitioner completed the age of 58 years as on 28.02.2025, therefore, she was retired from services vide order dated 28.02.2025, Annexure P-2. During the service period of the petitioner and before her retirement, an inquiry was initiated against the petitioner upon a representation submitted by her claiming her date of birth as 13.11.1969. Upon examination of records, tempering were observed in the records. Accordingly, the preliminary inquiry was ordered in this regard. An Inquiry Committee was constituted vide order dt. 06.01.2025 and the Committee was directed to inquire into the matter. Accordingly, the Committee inquired into the



alleged misrepresentation, falsification of record etc. and observed that the petitioner has produced fake documents about her qualification and date of birth and also made tempering in the service records. The report was accordingly submitted by the Committee to the Superintending Engineer, Electrical Circle HPPWD Shimla vide official letter dt. 17.02.2025, Annexure R-3/1. Thereafter, the matter is pending for taking action against the petitioner in accordance with CCS(CCA) Rules. However, during this period, the respondents have released the entire amount of GPF lying in the account of the petitioner on 09.10.2025 vide Annexure R-3/2, Further, the gratuity of the petitioner is also being calculated and the same shall also be paid very shortly to the petitioner in accordance with the Rules. The provisional pension papers of the petitioner have also been prepared and have been submitted to the office of Accountant General. HP for further necessary action at their end. Copy of letter dt. 11.12.2025 is annexed as Annexure R-3/3 for kind perusal of the Hon'ble Court The claim for leave encashment and GIS etc. shall also be dealt with in accordance with rules and will be paid as are permissible under the Rules. The petitioner in view of the inquiry report received from the Committee constituted by the respondent No.3 is contemplated to be charge sheeted under the provisions of CCS(CCA) Rules very shortly.

In view of the aforesaid facts and circumstances, there



*remains nothing to be adjudicated in the petition and petition
deserves to be disposed off.”*

4. Learned Counsel for the petitioner submitted that the petitioner superannuated from service on 28.02.2025. Till the time she was in service, no disciplinary proceedings were initiated against her on the grounds mentioned in the reply. Learned Counsel further submitted that present writ petition was filed on 03.11.2025. He submitted that reply to the petition was filed on 16.12.2025. Today we are in the Month of April, 2026 and till date no disciplinary proceedings have been initiated against the petitioner. He submitted that in these circumstances, the denial of retiral dues to the petitioner, including pension etc. is totally unjustifiable in the eyes of law.

5. On the other hand, learned Additional Advocate General, by referring to contents of the reply filed by the respondents-State, submitted that a preliminary enquiry was conducted by the Department while the petitioner was in service qua allegations of her having obtained the job on the basis of false certificates and misrepresentation and as the allegations were found to be correct, in this backdrop, the Department intended to initiate Departmental action against the petitioner and, therefore, retiral benefits were not released to her. He further submitted that it is otherwise apparent from the reply that GPF has been released in her favour on 09.10.2025 and other emoluments, to which the petitioner is



entitled to, were also being contemplated to be released.

6. Learned Counsel for the petitioner in rebuttal submitted that except the amount of GPF, no other post retiral emoluments have been released in favour of the petitioner. He further submitted that after the retirement of the petitioner, otherwise also, no disciplinary proceedings can be initiated against the petitioner.

7. Having heard learned Counsel for the parties and having carefully gone through the pleadings as well as documents appended therewith, this Court is of the considered view that in light of the fact that till date no disciplinary proceedings stand initiated against the petitioner despite the fact that more than one year has elapsed since her retirement, the denial of retiral dues to her is not sustainable in the eyes of law. This Court is not going into the issue as to whether post retirement, disciplinary proceedings can be initiated against the petitioner or not but what this Court is observing is that as no action has been initiated against the petitioner after her retirement, which event took place in the month of February, 2025, there is no justification in withholding the post retirement benefits, which are due to the petitioner.

8. As it is evident from the reply filed by the respondents that at the time when the reply was filed, the Department was in the process of releasing of the retiral benefits, this petition is disposed of with direction to the respondents that in case, all the retiral benefits, to which the petitioner is entitled to, have not been released



to the petitioner, then the same be released to her forthwith and not later than six weeks from today alongwith statutory interest for the delayed payment, if any.

9. As far as the issue of holding or not holding of the disciplinary proceedings against the petitioner at this stage is concerned, this Court is not making any observation qua the same. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 22, 2026
(narendar)