

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

**CWP Nos. 20354 & 20670/2025
Decided on: 29.12.2025**

1. CWP No. 20354/2025

Pawan Kumar

...Petitioner

Versus

Chaudhary Sarwan Kumar H.P. Krishi Vishvavidyalaya & Anr.

....Respondents.

2. CWP No. 20670/2025

Ishwar Dass

...Petitioner

Versus

Chaudhary Sarwan Kumar H.P. Krishi Vishvavidyalaya & Anr.

....Respondents.

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner(s):

**Mr. Radhey Shyam Gautam,
Advocate in both the petitions.**

For the respondent:

**Mr. Prince Chauhan, Advocate, for
respondent No.1 in both the
petitions.**

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

Mr. Rajat Choudhary, Assistant Advocate General, for respondents No.2 in both the petitions.

Jyotsna Rewal Dua , J

Notice. Mr. Prince Chauhan, learned counsel and Mr. Rajat Choudhary, learned Assistant Advocate General, accept notice on behalf of respondents No.1 & 2, respectively in both the petitions.

In view of the nature of reliefs prayed for by the petitioner(s) and reliance placed upon ***Himachal Pradesh Agriculture University Pensioner's Sabha Vs. Chaudhary Sarwan Kumar H.P. Krishi Vishvavidyalaya***², reply to the petitions is not required to be called for.

2. With the consent of learned counsel for the parties, the matters are heard at this stage.

3. Both the petitioner(s) joined services with the respondents-University. Petitioner in CWP No. 20354/2025 superannuated on 31.10.2024 and petitioner in CWP No. 20670/2025 superannuated on 30.04.2024. Their grievances are that the respondents-University though computed and sanctioned the amount of leave encashment of 300 days un-utilized portion of earned leave payable in their favour vide Annexure P-2 respectively, but the amounts have not been released in their favour till date despite

² CWP No. 10878/2025 decided on 23.07.2025

repeated representations of the petitioners. The identical substantive prayer claimed for the petitioner(s) reads as under: - (Relief clause herein is extracted from CWP No. 20670/2025)

“(i) That the action of the respondent University in not making the payment of due and admissible amount of Leave encashment in favour of the petitioner may be quashed and set aside while issuing writ in the nature of Certiorari.

ii) That the respondent University may be directed to pay the due and admissible amount of leave encashment of 300 days as sanctioned vide annexure P-2 to the petitioner along with interest @ 9% from the due date till actual payment while issuing writ in the nature of mandamus.

iii) That the respondent No. 2 may be directed to release the funds to the University for liquidating the liability towards payment of arrears of Leave Encashment to the petitioner.”

Learned counsel for the parties are ad-idem that the reliefs claimed for by the petitioner(s) have already been adjudicated in ***Himachal Pradesh Agriculture University Pensioner’s Sabha²*** .

Operative portion of the said decision reads as under: -

“5. In view of above, impugned order dated 25.03.2025 (Annexure P-8) holding that release of remaining amount of leave encashment due to the members of petitioner’s Society shall be considered as and when additional funds are received, is quashed and set aside. Respondents are directed to release the admissible leave encashment due to the members of the petitioner’s Society

within six weeks from today, failing which, the amount shall carry interest @5% per annum from the actual due date. Pending miscellaneous application(s), if any, shall also stand disposed of."

4. In view of above submissions, these writ petitions are disposed of with direction to the respondents to release the admissible leave encashment due to the petitioner(s) within six weeks from today, failing which, the amount shall carry interest @5% per annum from the actual due date. Pending miscellaneous application(s), if any, also to stand disposed of.

Jyotsna Rewal Dua
Judge

29th December, 2025_(rohit)