

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2883 of 2011

Date of Decision:- 03.09.2015.

Raj Pal Nehra

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R.N. Sharma, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) In this writ petition, the petitioner has sought for a direction to respondent No.2 for payment of unutilized earned leave payable under the Rules along with interest. The respondents have filed their statement of objections in which they have contended that reason for not granting the relief sought by the petitioner is that the petitioner is already subjected to disciplinary proceedings which were initiated on 01.04.2014.

2.) Learned counsel for the State submitted that except earned leave benefit, rest of the retiral benefits like GPF, GIS and

Commutation were settled. If the aforesaid retiral benefits were not settled timely, the petitioner is entitled for interest on the same at the rate of 9% per annum. The interest shall be paid to the petitioner within a period of eight weeks. If the respondents do not conclude the disciplinary proceedings within eight weeks from today, the petitioner is entitled for earned leave benefit along with interest @ 9% per annum. If the inquiry is concluded and the petitioner is punished then, he is not entitled for interest on leave encashment.

3.) Accordingly, the writ petition is disposed of.

4.) The petitioner is directed to cooperate in the disciplinary proceedings and if he fails to do so, it is open for the disciplinary authority to hold *ex parte* inquiry and conclude the departmental inquiry.

(P.B. BAJANTHRI)
JUDGE

September 03, 2015.

sandeep sethi