

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP-18021 of 2012 (O&M)

Date of decision: 17.08.2016

Madan Lal Jindal

.....Petitioner

versus

State of Haryana and Others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. J.S. Chahal, Advocate for the petitioner
Mr. Naveen Sheoran, DAG, Haryana

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

The short controversy in the present petition is that according to the petitioner, he was entitled to leave encashment for 300 days. However, he was granted leave encashment for 222 days and thereafter, 253 days, in lieu of earned leave whereas he was entitled to leave encashment for 283 days.

The State has taken the stand that the earned leave was calculated and has been rightly allowed. The additional affidavit was also sought for from the respondents. The respondents have relied on Rule 8.117 (1) of Punjab Civil Service Rules Volume I, Part-I to state that the petitioner was working in the Vacation Department. The relevant extract from the affidavit is reproduced as under:-

*“Admissibility of earned leave as a consequence of
working in vacation-*

As provided in the Rule 8.117(a) of Punjab Civil Services rules Volume I Part-I, earned leave is not admissible to a Government employee serving in a Vacation Department in respect of duty performed in any year in which he avails himself of the full vacation. Further Rule 8.117(b) states as under:-

“The earned leave admissible to such Government employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following period as the number of days of vacation not taken bears the full vacation:-

- (i) to a Government employee with 10 years' service or less: 15 days.*
- (ii) to a Government employee with more than ten years' service but not exceeding 20 years' service: 20 days.*
- (iii) To a Government employee with over 20 years' service: 30 days'*

3. That this implied that if in a year, the number of total vacation holidays are 60 and the teacher is deputed for full working day during summer vacation of 30 days, then in that eventuality a teacher upto 10 years' of service will be entitled for 7.5 days earned leave, a teacher with more than 10 years' of service and upto 20 years will be entitled for 10 days earned leave. Similarly, a teacher with more than 20 years of service shall be entitled for 15 days earned leave.

4. That as per service record of the petitioner, the total 220 earned leave were admissible to the petitioner and on account of vacations, total 33 leaves were admissible to the petitioner, thus entire leaves admissible to the petitioner are 220+33= 253, which have already been paid to the petitioner and nothing is due towards the respondent department.”

Therefore, it is stated that the earned leave was rightly calculated as 253 days.

I am of the view that at page 3 of the service book (AnnexureP-3), 283 days earned leave was mentioned, which was ordered to be verified. On verification, 253 days have been calculated.

The plea of the learned counsel for the petitioner is that total 60 days leave has been taken, including the vacations, whereas there was only 42 holidays. Therefore, the other vacations have also been counted. I am of the view that the respondents have made a calculation. There is difference of 33 days of leave.

In these circumstances, this Court accepts the explanation of the respondents. Therefore, the petitioner is not entitled to leave encashment for any further period.

The writ petition stands dismissed accordingly.

17.08.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes/ No
Yes/ No