

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.22370 of 2010

Date of decision: 02.02.2016

Ramesh Chander

...Petitioner

versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. N.K. Malhotra, Advocate,
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

RITU BAHRI, J.

The petitioner, after having retired on attaining the age of superannuation on 03.11.2007, is seeking direction to the respondents to grant him leave encashment along with interest from the date of retirement till the date of payment.

As per petitioner, Vaish Technical Institute, Rohtak-respondent No.4, managed by the Managing Committee-respondent No.3, is a privately managed Government aided institute.

After going through the facts and circumstances of the case and hearing learned counsel for the parties, this Court is of the considered opinion that the entitlement of an employee of an institute which is privately managed, but receiving grant-in-aid from the State Government under Grant-in-Aid Scheme, is no more *res-integra* in view of the decision rendered by the Hon'ble Supreme Court in State of Haryana Vs. R.K. Bansal, Civil Appeal No.4112 of 2003, confirming the order dated 26.08.2002 passed by a

Division Bench of this Court in **R.K. Bansal Vs. The State of Haryana and others**, CWP No.3096 of 2001, issuing a direction to make payment of leave encashment with interest @ 18% per annum. Similar is the ratio of a judgment given in **Chand Singh Pehal Vs. The State of Haryana and others**, CWP No.11373 of 2003 (decided on 03.12.2012), in which while disposing of a bunch of petitions regarding leave encashment with interest @ 6% per annum from the date it accrued, this Court had held that the Management of the institute would make the payment to the petitioners on account of benefit of leave encashment with liberty to claim reimbursement of the same from the State Government in accordance with law.

In view of the above, this petition is allowed and the petitioner is held entitled to the benefit of leave encashment. Management-respondent No.3 is directed to make payment to the petitioner on account of benefit of leave encashment, within three months from the receipt of certified copy of this order, along with interest @ 6% per annum from the date it accrued till its realization with liberty to the Management to claim reimbursement of the same from the State Government in accordance with law.

(RITU BAHRI)
JUDGE

02.02.2016

ajp