

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24923-2015 (O&M)
Date of decision: 16.11.2016

Bal Singh Lokesh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.K.Malik, Senior Advocate with
Mr.Kuldeep Sheoran, Advocate for the petitioners
Mr.Gaurav Goel, AAG Haryana
Mr.Hemant Bassi, Advocate for the respondent Nos.7 and 11
Mr.Brijender Kaushik, Advocate for the respondent No.10

- 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)

Respondent Nos.1 and 2 filed reply. Remaining respondents have not filed the written statement. Therefore, in terms of the last order, the matter is taken up for disposal.

It comes out that the petitioners were working as Associate Professors, Head Clerks, Clerks, Lab Attendants, Peons in the government aided private colleges. They retired between the years 2012 and 2015. Their claim is for release of leave encashment with interest.

It comes out that the matter regarding grant of gratuity and leave encashment was in issue in an earlier Civil Writ Petition No.3732 of 2001 titled as Dr.Karan Singh Rathee and others vs. State of Haryana decided on 20.8.2007. The State has extended the benefit of said judgment only to the petitioners in that writ petition.

It further comes out that some of the employees of the government aided colleges had approached this Court by filing CWP No.12179 of 2011 titled as Dr.K.L.Johar and others vs. State of Haryana and others, decided on 10.11.2016, in which, this Court passed the following order:-

“In view of what has been discussed above, impugned orders Annexures P3 and P4 are hereby quashed. The respondents are directed to release the gratuity to the petitioners w.e.f. 1.1.1996 @ Rs.3.5 lacs, in terms of judgment of Dr.Karan Singh Rathee's case (supra). Gratuity already paid to them shall be adjusted against the balance payment. Leave encashment shall also be paid in terms of judgment of Dr.Karan Singh Rathee's case (supra). The said benefit shall be available only to those petitioners who were working against the regular and aided posts. The petitioners shall also be entitled to interest. Since there is difference of six months only in filing the present petition and the earlier writ petition, therefore, all the petitioners shall be entitled to interest @ 6% per annum as granted in judgment of Dr.Karan Singh Rathee's case (supra) from 12.7.2011, the date when the present writ petition was filed.

It is further directed that State of Haryana shall also consider the case of all the similarly situated employees and extend benefit of judgment of Dr.Karan Singh Rathee's case (supra) to the employees, who are covered by the said judgment. However, the interest shall be payable from the date they approach the government claiming the benefit of the said judgment.”

A perusal of the aforesaid order shows that the directions have been issued to the State Government to grant benefit of judgment passed in the case of Dr.Karan Singh Rathee (supra) to the similarly situated employees also, who are covered by the said judgment.

In view of the matter, the present writ petition is allowed in terms of the judgment of this Court delivered in the case of Dr.K.L.Johar (*supra*) and the State is directed to extend the benefit of said judgment to the present petitioners also in terms of the said judgment. Interest awarded in the said judgment shall be paid to the present petitioners from the date of filing of this writ petition.

16.11.2016*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No