

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 2462 of 2016
Date of Decision:- 08.02.2016**

Ex. St. Satbir Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Suresh Kumar Redhu, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Present writ petition has been filed under Articles 226/227 of the Constitution of India seeking direction to modify the impugned action of respondent No.1 to the extent of granting leave encashment of 550 days instead of 300 days salary.

The grievance of the petitioner is that he has been granted leave encashment only for ten months in view of instruction dated 12.08.1998 (Annexure P-1), whereas he has earned 550 days leaves. Neither he has been granted the earned leaves during the course of his service nor the salary of 550 days of earned leaves released to him, which is contrary to the Punjab Police Rules 1934, as applicable to Haryana and the Constitution of India Articles 14 and 16. Petitioner has applied for 180 days earned leaves mentioning therein that he has an urgent work at home

but the same has been declined by the department. Further, the petitioner has submitted another application dated 14.06.2014 to the respondent-department and the same has also been declined. Thereafter, he had approached the respondents for redressal of his grievances regarding granting of leave encashment of 550 days but when no action was taken he has served a legal notice dated 25.12.2015 (Annexure P-5) which is still pending.

Heard learned counsel for the petitioner.

Perusal of the instructions (Annexure P-1) clearly shows that the payment of cash equivalent to earned leave at the credit (subject to a limit of 300 days) in respect of the employees superannuating from service at the time of retirement 15 days prior to the date of superannuation but the payment in lieu thereof shall be released on the date of superannuation. As per instructions, if the leave available to the credit of the employee becomes less than 300 days, a revised leaves encashment order will be issued superseding the initial orders.

After perusing the instructions, there is no provision under Rule 8.23 of the CSR, Vol. I, Part I, to grant the leave encashment of 550 days, therefore, the present writ petition finds no merit and the same stands dismissed.

February 08, 2016
naresh.k

(**RITU BAHRI**)
JUDGE