

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

LPA 2243 of 2016

Date of Decision : November 18, 2016

DAV Sr. Sec. School, Batala

.....Appellant

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Rajdeep Singh Cheema, Advocate
for the appellant.

T.P.S. MANN, J. (Oral)

This order shall dispose of the present appeal i.e. LPA 2243 of 2016 as well as connected appeals i.e. LPA 2244 of 2016 and LPA 2245 of 2016 as all the appeals arise out of a common order passed by the learned Single Judge.

Vide the order under appeal, learned Single Judge has directed the appellant-Management to grant the monetary benefits of 'leave encashment' to the respondents who served the appellants as Teachers/Masters and have since retired on attaining the age of superannuation.

Since the entitlement of respondents-teachers for leave encashment is no longer *res-intgra* and has been settled in their favour by this Court, learned counsel for the appellants very

fairly does not dispute such liability but contends in terms of para No.6 of the grounds of appeal, which we deem it appropriate to reproduce below:-

“...6. That thus the appellants are ready and willing, if directed by the Hon'ble Court, to deposit the amount due towards private respondents by way of Demand Draft, which may be ordered to be kept in a Fixed Deposit, so that this amount also earns interest, and may ultimately be paid to the beneficiaries-private respondents. It is humbly prayed that said amount be ordered to be kept in Fixed Deposit in any nationalized Bank till the amount is actually reimbursed by the Government to the extent of 95% under Grant-in-Aid Scheme. The appellant is making this prayer only on account of the fact that after the appellant makes full payment and prefer their claim for reimbursement from the Government, it is not paid for years together on account of raising unnecessary objections, particularly in view of the fact that the Government has no money to reimburse that amount to the Managements and thus keep on raising undue and unnecessary objections.....”

We have heard learned counsel for the appellant at a considerable length with reference to the above reproduced contention and are of the considered view that there is no justification in putting the amount of leave encashment in a Fixed Deposit when the respondents need such financial

assistance in their old age.

As regard to the appellant's entitlement to seek reimbursement of leave encashment amount from the State Government under the Grant-in-Aid Scheme, the appropriate recourse for the appellant would be firstly to reimburse such amount to the respondents and then put up its claim before the Prescribed Authority in accordance with the Grant-in-Aid Scheme. As soon as such claim is put-forth, we direct the Prescribed Authority to consider and decide the same in accordance with the Scheme/Rules/Law. In the event of non-redressal of its grievances, the appellant shall be at liberty to initiate appropriate proceedings. This order, however, shall not be construed as an expression of opinion on the merits of the claim raised by the appellant against the State Government.

With liberty aforementioned the appeals stand disposed of.

(T.P.S. MANN)
JUDGE

November 18, 2016
ajay-1

(GURMIT RAM)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No