

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

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**RSA 6252 of 2016 (O&M)123
Date of decision:02.12.2016**

State of Haryana and others

.... Appellants

Versus

Parveen Kumar Garg

.... Respondent

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Anil Mehta, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

The appellants have questioned the validity of the order passed by the appellate court dated 13.10.2016 by which the respondent's appeal was allowed while imposing cost of Rs.5000/-.

2. The respondent was not initially given appointment timely and by virtue of this court order he was appointed with retrospective effect. This court has given direction to the appellants to consider respondents' appointment w.e.f. 12.05.1996. Same was granted by the appellants. Question for consideration in the present appeal is whether the respondent is entitled for earned leave or not.

3. Learned counsel for the appellant submitted that admittedly respondent has not worked for the period from 12.05.1986 to 22.03.1996. Undisputedly, the respondent has been granted retiral benefits while counting the date of entry into service as 12.05.1986. However, the same has been denied for the purpose of granting earned leave from 12.05.1986, as respondent has not worked during the intervening period. For no fault of

the respondent, he was denied appointment timely in the year 1986 for which he cannot deny the benefit of earned leave. Rightly, the appellate court has held that he is entitled. Insofar as imposition of cost is concerned, no doubt no reasons have been assigned by the appellate court. At this stage, it is not appropriate for this court to remand the matter.

4. Having regard to the conduct of the appellants that at each and every stage of the respondent's service condition, he was compelled to approach one or the other court. Therefore, no interference is called for insofar as award of cost is concerned.

5. Appeal stands dismissed.

02.12.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No