

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

**CWP No.4548 of 2017 (O&M)
Date of decision : March 06, 2017**

Ex. SI Jaan Mohd. and another **Petitioners**

Versus

State of Haryana and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sat Narain Yadav, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioners, who were working in the Police Department in the State of Haryana are seeking the modification of the instructions issued by the Haryana Finance Department dated 29.04.2002 (Annexure P-1), vide which unutilized earned leave (subject to the maximum of 300 days) can be encashed. The prayer of the petitioners is that they have unutilized earned leave of 475 and 533 days respectively, to their credit and that limiting leave encashment to 300 days is contrary to the Articles 14 and 16 of the Constitution of India.

I am of the view that there is no violation of Articles 14 and 16 of the Constitution of India. The State Government earlier used to grant leave encashment upto maximum 180 days earned leave, then extended up to 240 days and later on extended up to 300 days. It is being uniformly applied to all the employees. There is no discrimination by capping the encashment of the earned leave to a particular number of days. It is prerogative of the Government. Therefore, there is no ground for this Court to interfere in the same and to direct the Government to increase the leave

However, the petitioners are at liberty to approach the Government on administrative side.

Thus, there is no ground to interfere in the Instructions dated 29.04.2002 (Annexure P-1) issued by the Haryana Finance Department.

Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

March 06, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No