

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

LPA No.1479 of 2015 (O&M)

Date of Decision: 07.02.2017

Dharamvir Singh

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Kuldeep Sheoran, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. AG, Haryana.

Mr. Kshitij Sharma, Advocate,
for respondent No.4.

SURYA KANT J. (ORAL)

1. Learned Single Judge has turned down the claim of the appellant for grant of leave encashment on the strength of Rule 91(5) of the Haryana School Education Rules, 2003, governing the grant of leave encashment.

2. Learned counsel for the appellant, on the other hand, submits that the claim is squarely covered by the judgment dated 30.01.2013 of this Court rendered in **LPA No.908 of 2012** titled as “**State of Haryana and others Vs. Ram Kumar Shastri and another**”.

3. Learned counsel for the respondent-Management, too cites some decisions in its favour. Since the contentious issues are raised from both the sides, coupled with the fact that learned Single Judge did not get assistance of the decisions relied upon by the parties, we allow this appeal

in part; set aside the order dated 19.09.2014 and remit the case back to learned Single Judge for fresh adjudication after hearing learned counsel for the parties with reference to the case-law cited by them.

4. Parties are directed to appear before the learned Single Judge as per roster on 06.03.2017. The respondent shall also be at liberty to raise the issue of maintainability of writ petition.

**(SURYA KANT)
JUDGE**

07.02.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking / reasoned : Yes

Whether Reportable : No