

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

Sr. No.212

Civil Writ Petition No.12116 of 2015
DECIDED ON: August 07, 2018

LEKH RAJ

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikas Lochab, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, Additional Advocate General,
Haryana.

JASPAL SINGH, J. (ORAL)

Through the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of Certiorari for quashing the order dated 28.07.2014 (P-1) passed by respondent No.3 as well as for issuance of a writ in the nature of Mandamus directing the respondents to make the payment of leave encashment for 300 days instead of 258 days.

2. In response to notice of motion, reply along with Annexures R-1 & R-2 was filed by learned State counsel on behalf of respondents No.1 to 3.

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3. A perusal of the reply particularly Annexure R-2, the detailed calculations made by the respondents for calculating the number of earned leave due to the petitioner on the date of his retirement, the total number of earned leave works out to 258 days and not 300 days. No doubt, as per rules a retiree is entitled to leave encashment in lieu of 300 days earned leave but when the earned leave is not due, no leave encashment can be granted. In the case in hand, only 258 days earned leave was due in respect of which an amount of Rs.2,30,368/- has already been disbursed to the petitioner as leave encashment. Thus, no cause of action otherwise or survives.

4. In the light of the aforesaid discussion, this Court does not find any merit in the instant petition.

5. Dismissed.

6. However, no order as to costs.

August 07, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**