

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

Sr. No.228

Civil Writ Petition No.22863 of 2015
DECIDED ON: May 03, 2018

HARWINDER SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Walia, Advocate,
for the petitioners.

Ms. Deepali Puri, Additional Advocate General, Punjab,
for respondents No.1 & 2.

Mr. Sameer Sachdeva, Advocate,
for respondents No.3 & 4.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought the issuance of a writ in the nature of Certiorari to quash the order dated 15.09.2015 (P-5), whereby the representation of the petitioners to pay leave encashment due to them has been rejected.

2. Concededly, petitioners have retired after 2012, from which, the amended Rule 22(3) was inserted and made operative, which reads as under:-

“22(3) Encashment of earned leave All the Principal/Professors/Associate Professor/Assistant Professor of the private colleges affiliated to Guru Nanak Dev University, Amritsar shall be allowed encashment of unutilized earned leave to a maximum number of days as decided by the

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Punjab Government from time to time. Cash payment shall include pay and allowances as per Punjab Government CSR. This provision shall be applicable to all the Principals/Professors/Associate Professors who retire on superannuation/pre mature on or after 01, January, 2012. Unutilized privilege leave to the credit of Principals/Professors/Associate Professors shall henceforth be treated as earned leave.”

3. As per the amended rule, it is the liability of the College as well as that of the Government to make the payment of the amount accrued to the retiree on account of leave encashment. Otherwise also, the controversy in this regard is no more res integra and already stands settled by the catena of judgments passed by this Court as well as the Hon'ble Apex Court.

4. Without expressing much, instant petition is disposed of with the direction to respondents No.3 & 4 -College to calculate the leaves due and amount payable on account of leave encashment and to make the payment within a period of two months from the date of receipt of a certified copy of this order. However, College authorities i.e. respondents No.3 & 4 shall be entitled to get the amount paid to the petitioners reimbursed from the State Government and Government shall be liable to make the payment within a period of two months from the date of submission of the bills to the Government. In case of non compliance of this order, petitioners shall be at liberty to have recourse to other remedies available under law as well as to approach this Court.

May 03, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**