

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

CWP No. 23547-2016

Date of decision : 11.09.2018

Maheshanand

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. N.K. Malhotra, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana

RITU BAHRI, J.

The present petition under Article 226/227 of the Constitution of India is for issuance of direction to the respondents to grant leave encashment to the petitioner along with interest @24% per annum from the date of retirement till the date of payment.

Petitioner was appointed as Peon in the month of September, 1988, in the office of respondent No. 4 and he retired as Peon in the respondent-department on 31.03.2016. The copy of retirement letter dated 18.10.2016 is Annexure P-1.

The petitioner gave a representation dated 20.04.2016 to the respondent-department for granting the leave encashment on retirement (Annexure P-2) but no action has been taken till date.

Learned counsel at the very outset states that this issue is squarely covered by the judgment of this Court in a case of **CWP No. 3096-**

2001 titled as R.K. Bansal vs. State of Haryana and others, decided on

26.08.2002. Even SLP against this judgment has been dismissed on 12.11.2009, vide Annexure P-4. Even a letter dated 21.01.2011 (Annexure P-7) has been issued to the petitioner and other employees wherein it has been stated that their cases have been sent to the State Government and after taking the decision they will be informed.

In similar circumstances, some employees of Government Aided Educational Institutes which are privately managed but were receiving grant in aid from the State Government have approached this Court as they were not given the benefit of leave encashment. This Court allowed the writ petitions on 03.12.2012 vide CWP No. 11373-2003, titled as Chanda Singh Pehal vs. State of Haryana and others (Annexure P-8) and directions were issued to the respondents to make the payment on account of leave encashment.

On notice, a reply has been filed on behalf of respondent Nos. 1 and 2 stating therein that it was the Management who was to make the payment of leave encashment. LPA No. 1545-2013 filed by Managing Committee was dismissed on 01.10.2013 (R-2). This decision was further challenged by the Managing Committee before the Supreme Court and the same was dismissed on 27.01.2014.

Learned counsel for the petitioner further states that the Chief Secretary to Government of Haryana had issued instructions dated 14.08.2018 for giving payment of leave encashment to the employees of Government aided colleges w.e.f 09.04.1987 to the extent of 90% by the State and 5% by the Management to the College.

In view of the discussion made above, the writ petition is

allowed and direction is given to the respondents to make payment of leave encashment to the petitioner, as per instructions dated 14.08.2018 issued by Chief Secretary to Government of Haryana, along with 6% interest within a period of three months from the date of receipt of certified copy of this order.

11.09.2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No