

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17281-2015

Date of decision: - 13.03.2019

Ram Babu Singh

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Amit Rao, Advocate

for Mr. Anurag Goyal, Advocate, for respondents No.3 & 4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that he has not been granted the benefit of leave encashment.

Counsel for the petitioner relies upon the law laid down by this Court in **CWP No.12179 of 2011** titled as '**K.L. Johar and others Vs. State of Haryana and others**', decided on 10.11.2016, according to which, the employees of the Government Aided Colleges have been held entitled to leave encashment. The said order has already been upheld by the Division Bench as the Letters Patent Appeal filed against the said judgment has already been dismissed.

Counsel for the respondents states that keeping in view the order passed by the learned Single Judge in CWP No.9252 of 2017, the State Government has issued notification dated 14.08.2018, by which the

Government of Haryana has decided to extend the benefit of the grant of leave encashment to the employees of the Government Aided Private Colleges at par with the counterparts working in the Government Colleges. According to the said letter, the leave encashment benefit is to be given in terms of the calculation of the earned leave w.e.f. 09.04.1987 and the instructions issued in this regard from time to time. Further, as per the said letter, the amount to be paid as leave encashment shall be paid from the shares i.e. 95% by the State Government and 5% by the Colleges.

Counsel for the respondents states that in view of the said notification, present writ petition has been rendered infructuous.

Counsel for the petitioner states that a time frame should be fixed and the respondents be directed to comply with the said notification dated 14.08.2018 and extend the benefit of the said letter to the petitioner at the earliest.

It is directed that case of the petitioner be examined in view of the letter dated 14.08.2018 by the respondents for the grant of the benefit of leave encashment and the appropriate orders be passed within a period of two months from the date of receipt of certified copy of this order. Further, whatever the petitioner is found entitled for, the same shall also be released to the petitioner within a period of one month thereafter.

Present writ petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 13, 2019
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No