

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

1. CWP-25727-2016

Jasmer SinghPetitioners

Versus

The State of Haryana and othersRespondents

2. CWP-26781-2016

Mohan Lal Gupta and anotherPetitioners

Versus

The State of Haryana and othersRespondents

3. CWP-14555-2018

Ramesh Chand and anotherPetitioners

Versus

The State of Haryana and othersRespondents

Date of decision: - 02.05.2019

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. N.K. Malhotra, Advocate,
for the petitioner in CWP No.25727 of 2016.

Mr. Sandeep Singal, Advocate
for the petitioners in CWP No. 26781 of 2016 and
CWP No.14555 of 2018.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Amit Rao, Advocate
for Mr. Anurag Goyal, Advocate
for respondents No.3 to 5 in CWP No.26781 of 2016 and
CWP No.14555 of 2018.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, above-mentioned three Civil Writ Petitions are being disposed of in the light of common question of law and similar facts involved. For the sake of convenience, the facts are being extracted from CWP No.25727-2017 titled 'Jasmer Singh Vs. State of Haryana and others.'

The claim of the petitioners, who were working in Government Aided Privately Managed Institutions, in the present writ petitions is for the grant of leave encashment.

Counsel for the petitioners argues that case of the similarly situated employees as petitioners for the grant of the benefit i.e. leave encashment has already been considered and allowed by a Co-ordinate Bench of this Court while deciding CWP No.12179 of 2011, decided on 10.11.2016.

Co-ordinate Bench while deciding the said writ petition held that employees of the Government Aided Privately Managed Institutions are entitled for the benefit of leave encashment. Even LPA filed against the said judgment of learned Single Judge in CWP No.12179 of 2011, by the State of Haryana was dismissed.

Counsel for the petitioners states that in order to implement the said judgment, the Department of Higher Education issued a letter on 14.08.2018 allowing the benefit of leave encashment to its employees. The relevant part of the said letter dated 14.08.2018 is as under: -

“Keeping in view the Judgment of Hon'ble Punjab and

Haryana High Court in CWP No.12179 of 2011 dated 10-11-2016, the State Govt. has decided to grant the benefit of encashment of earned leave to all Govt. Aided Private Colleges (Teaching and Non-Teaching) employees at par with their counterpart working in Govt. Colleges. The leave encashment benefit will be given on the basis of calculation of earned leaves w.e.f. 09-04-1987, and as per Govt. instructions issued from time to time thereafter. The amount of leave-encashment will be borne to the extent of 95% by State Government and 5% share shall be contributed by the management of College.”

On the last date of hearing, when these writ petitions were taken up, an objection was taken by the respondents-State that letter dated 14.08.2018, which has been issued by the Department of Higher Education is not applicable *ipso facto* upon the institutions, which are covered under the Department of Technical Education and the State counsel has sought time to seek instructions in this regard.

Today, State counsel, on instructions from Mr.Aneesh Kumar Gupta, Deputy Director (Technical Education), states that after the last date of hearing, the matter was taken up with the competent authority as to whether, letter dated 14.08.2018, which has been issued by the Department of Higher Education, will be applicable upon the institutions which are covered by the department of Technical Education or not.

Counsel for the respondents informs this Court that competent authority has taken a decision that even the institutions which are covered by the department of Technical Education will be governed by the letter dated 14.08.2018 in terms of the grant of the leave

encashment on the terms and conditions mentioned in the said letter.

A bare perusal of the letter dated 14.08.2018 would show that the State had allowed the benefit of leave encashment to all the employees of Government Aided Private Colleges (Teaching and Non-Teaching) at par with their counterparts working in the Government Colleges and the benefit of leave encashment is to be given on the basis of the calculation of the earned leave w.e.f 09.04.1987, keeping in view the government 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 in share i.e. 95% by the State Government and 5% by the mangement of College.

Counsel for the petitioners states that as the respondents have admitted that letter dated 14.08.2018 covers their case for the grant of the benefit of leave encashment, petitioners will be satisfied in case a time bound direction is issued to the respondents to implement the letter dated 14.08.2018 qua them as well.

Counsel for the respondents states that once a decision has already been taken by the competent authority that cases of the petitioners are covered under the letter dated 14.08.2018 for the grant of leave encashment, the same will be implemented qua the present petitioners as well. Counsel for the respondents prays for four months time to implement and release the benefits of the letter dated 14.08.2018 qua the petitioners as the formal approval of the Finance Department is needed and the case has already been sent to Finance Department for their

approval and the benefits of the petitioners will be released in the abovesaid period of four months after obtaining all the needed approvals.

Counsel for the petitioners prays that in view of the statement given by counsel for the respondents, no further grievance of the petitioners needs to be redressed and the present writ petition alongwith other connected writ petitions may be disposed of as having been rendered infructuous.

Keeping in view the facts narrated hereinabove, all the writ petitions are hereby disposed of as having rendered infructuous

May 02, 2019
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**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes