

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

(111)

CWP-40338-2018

Date of Decision: January 07, 2019

Varsha Yadav and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jai Vir Yadav, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the petitioners have approached this Court seeking the release of the amount of leave encashment, which the petitioners are entitled for after the retirement. The said amount is being withheld by the respondents on the ground that two charge-sheets have been issued to the petitioners due to which leave encashment cannot be allowed.

Learned counsel for the petitioners submits that in view of the full Bench judgment of this Court passed in **LPA No.113 of 2012 titled as Punjab State Civil Supplies Corporation Ltd. and others Vs. Pyare Lal decided on 11.08.2014**, the leave encashment cannot be withheld.

Learned counsel for the petitioners further states that for the relief which has been claimed in the present writ petition, the petitioners have served the respondents with legal notices dated 19.07.2018 (Annexure P-4) and 19.07.2018 (Annexure P-5) respectively. He further states that the petitioners will be satisfied, at this stage, in case a time bound direction is given to the respondents to decide the legal notices dated 19.07.2018 (Annexure P-4) and 19.07.2018 (Annexure P-5) respectively in view of the

settled proposition of law settled by the full Bench of this Court mentioned above as well as Rule 69 of the Haryana Civil Services (Leave) Rules, 2016.

Without commenting upon the merits of the case or about the entitlement of the petitioners for the relief which has been claimed by them in the legal notices dated 19.07.2018 (Annexure P-4) and 19.07.2018 (Annexure P-5) respectively, the present writ petition is disposed of with a direction to the respondents to decide the legal notices dated 19.07.2018 (Annexure P-4) and 19.07.2018 (Annexure P-5) respectively within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioners are entitled to any monetary benefits after the decision of the legal notices, the same should also be paid to the petitioners within three months thereafter.

January 07, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No