

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 921 of 2017**

Sukhdev Patel S/o Khauram, Aged About 62 Years, R/o Village Jhalmala, Post Bhaiso, Tahsil Akaltara, P. S. Akaltara, District Janjgir Champa, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralay, Naya Raipur, Distt. Raipur, Chhattisgarh
2. Executive Engineer, Public Works Department, National Highway Bilaspur, Distt. Bilaspur, Chhattisgarh
3. Director, Accounts And Pension, Indrawati Bhawan, Naya Raipur, Chhattisgarh
4. Joint Director, Kosh Lekha And Pension Bilaspur, Distt. Bilaspur Chhattisgarh

---- **Respondents**

Writ Petition (S) No. 8338 of 2018

1. B. P. Gupta S/o Shri Balbhadra Prasad Gupta, Aged About 61 Years Working As Hand Pump Technician, Public Health Engineering Department, Takhatpur Division, District Bilaspur, Chhattisgarh, R/o Village And Post Ganiyari, Ranjit Mata Chowk Ganiyari, District Bilaspur, Chhattisgarh
2. R. K. Pandey S/o Shri Amarnath Pandey, Aged About 61 Years Working As Store Clerk, Public Health Engineering Department, Takhatpur Division, District Bilaspur, Chhattisgarh, R/o Tikripara, Takhatpur, District Bilaspur, Chhattisgarh
3. Anantram Shrivastava S/o Shri Makhanlal Shrivastava, Aged About 61 Years Working As Hand Pump Technician, Public Health Engineering

Department, Takhatpur Division, District Bilaspur Chhattisgarh R/o Behind DLS College, Ashok Nagar, Bilaspur, District Bilaspur Chhattisgarh

4. Ayodhya Prasad Chandrawanshi S/o Late Seetaram Chandrawanshi Aged About 61 Years & 8 months, Working As Helper, Office Of Assistant Engineer, Public Health Engineering Department, Sub Division Bodla, District Kabirdham Chhattisgarh R/o Ward No. 20, Radhakrishna Ward Kawardha, District Kabirdham, Chhattisgarh
5. Ramkumar Verma S/o Shri Panchram Verma, Aged About 62 Years Retired Plumber, Public Health Engineering Department, Bilaspur Division, District Bilaspur Chhattisgarh, R/o Village Bartori, Near Mahamaya Mandir, Bartori, Via Bilha, District Bilaspur, Chhattisgarh
6. R. K. Bareth S/o Late Dukhiram Bareth, Aged About 62 Years, Retired Hand Pump Technician, Public Health Engineering Department, Takhatpur, District Bilaspur, Chhattisgarh R/o Village Birkona, District Bilaspur, Chhattisgarh
7. Bharat Lal Rahangdale S/o Late Kauduram Rahangdale, Aged About 62 Years, Retired Assistant Mechanic, R/o Ward No. 8, Krishna Vihar Colony, Kawardha, District Kabirdham, Chhattisgarh, R/o Krishna Vihar Colony, Kawardha, District Kabirdham (CG)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Its Secretary, Public Health Engineering Department, Mantralaya, Mahanandi Bhawan, Raipur Chhattisgarh
2. Engineer-In-Chief, Public Health Engineering Department, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh

---- Respondents

For Petitioners: Mr. Vinod Deshmukh & Mr. K. P. S. Gandhi, Advocates
For State : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16.06.2021

1. The prayer of the petitioners in these two writ petitions is for grant of the benefit of leave encashment at par with the regular employees of the State Govt.
2. The facts of the case in common are that the petitioners herein are all employees who were initially engaged as labourers by the respondents and in due course of time they were regularized in service under the contingency establishment and all the petitioners have crossed the age of superannuation. The grievance of the petitioners herein is that they are not being granted the benefit of leave encashment at par with that of a regular government employee i.e. the benefit of leave encashment in terms of the Chhattisgarh Civil Services Leave Rules, 2010 (hereinafter referred as "the Rules of 2010") where the maximum leave which can be accumulated for a regular government employee is 240 days.
3. According to the petitioners, they have even not been granted the benefit of leave encashment/earned leave in terms of the Chhattisgarh Work Charge and Contingency Paid Employees Leave Rules, 1977 (in short "Leave Rules of 1977") and they are claiming the benefit at par with the Rules of 2010.
4. Counsel for the petitioners submit that except for the benefit of earned

leave, all other benefits which the petitioners are receiving like dearness allowance, casual leave, medical leave, benefit of HRA, travelling allowances etc. are all at par with the regular government employees which has given rise to the grievance of the petitioners so far as the leave encashment is concerned.

5. The fact that the petitioners have stated of having not received the benefit even in accordance with the Leave Rules of 1977 and the fact that all the petitioners have crossed the age of superannuation. The benefits that the petitioners could get is only in terms of the rule position as it stood on the date of retirement.
6. The claim of the petitioners for grant of leave encashment in parity with the regular government employees or at least in accordance with the Leave Rules of 1977, is an area which is exclusively within the domain of the State Govt. where the State Govt. alone is the competent authority to decide the actual number of days which an employee under the contingency establishment could accumulate for encashment at the end of his service.
7. The petitioners herein at this juncture submit that they have already approached the State Govt. individually, as also through representative capacity by their Unions and associations to which they are associated. However, no decision as such has been taken by the authorities.
8. Given the said facts, the petitioners are permitted to make a fresh representation either individually or through an association before the State authorities ventilating their grievances claiming for the benefit of firstly grant of leave encashment/ earned leave, and secondly for

parity with the regular employees of the State Govt. Upon such representation being made, the authorities concerned are expected to take a decision at the earliest, preferably within a period of 120 days, considering the ground realities of the case.

9. Both the writ petitions accordingly stand disposed of.

**Sd/-
P. Sam Koshy
Judge**