

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

CWP No.3767 of 2021

Date of Decision: 18.02.2021

Kamlesh Sachdeva and others

....Petitioners

VERSUS

State of Haryana and Others

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Saurabh Bajaj, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

Prayer in the present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of *mandamus* directing the respondents to release the amount of leave encashment due towards the petitioners.

Learned counsel for the petitioners would contend that a representation dated 07.08.2019 was sent to respondent no.2, Higher Education Commissioner, Haryana, to release the amount of leave encashment. However, no action has been taken thereon.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana has joined the session through video conferencing and accepts notice on behalf of the respondents. He has pointed out that since the petitioners have retired from Government Aided Schools, the representation ought to have been sent to the Director, Secondary Education, Haryana and this is probably the reason that their representation is pending till date.

On the oral request of learned counsel for the petitioners, the Director, Secondary Education, Haryana, Sector 4, Panchkula is impleaded as respondent no.2A. Registry is directed to carry out necessary changes in the memo of parties.

In view of the above, since the representation was made to the Higher Education Commissioner, Haryana instead of the Director, Secondary Education, Haryana, who has now been impleaded as respondent no.2A, the present petition is disposed off, without commenting on the merits of the case, with a direction to the newly impleaded respondent no.2A - Director, Secondary Education, Haryana - to treat the present petition as a representation and decide the same in accordance with law by passing a speaking order within a period of three months from today and if the petitioners are found entitled to the benefits, as claimed by them, the same be released to them within a period of two months thereafter.

Disposed off.

(ALKA SARIN)
JUDGE

18th February, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO