

(In virtual Court)

CWP No.5870 of 2021 (O&M)

Date of Decision: 10.09.2021

Umed Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Sanjeev Kodan, Advocate
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the action of the respondent, whereby the respondents are not inclined to grant the payment of earned leaves, earned by the petitioner during his service, with a further prayer to issue of a writ in the nature of mandamus directing the respondents to consider and decide the legal notice dated 23.11.2020 (Annexure P-7) and to grant the balance 283 days earned leaves along with all other benefits including interest in favour of the petitioner.

It is submitted by learned counsel for the petitioner that the leaves applied by the petitioner, when he was in service, were wrongly denied by the officer concerned. Therefore, the petitioner has been deprived of the said benefits, for which he deserves to be compensated.

Having heard the argument of learned counsel for the petitioner and having perused the case file, this Court does not find any substance in the argument. Undisputedly, the petitioner stands retired now. Therefore, even if, his grievance happens to be justified, that cannot save the leaves which stand lapsed on the date when the petitioner retired. The petitioner might be having a right to claim the leave when he was in service. However, any benefit on account of the leave can be availed by an employee after his retirement only in accordance with the rules or instructions of the State Government/Employer. It is not even disputed by the counsel for the petitioner that the petitioner has already been paid the leave encashment in lieu of the un-availed leaves as per the instructions of the Government.

In view of the above, finding no merits in the present writ petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

10.09.2021
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No