

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-4675-2022

Date of Decision :09.03.2022

Mool Chand

..Petitioner

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kshitij Sharma, Advocate for the petitioner.

Mr. Raj Karan Singh Brar, Addl. A.G, Haryana

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed challenging order dated 14.12.2021 (Annexure P/7) passed by the respondents whereby, prayer of the petitioner for the grant of encashment of unutilized earned leave for a period of 70 days at the time of his retirement has been declined.

Learned counsel for the petitioner argues that in fact, the petitioner had applied for the grant of 80 days earned leave in the year 2018 and though, the same was initially granted to him but, before the same could be availed by the petitioner, the said sanction for availing earned leave was withdrawn resultantly petitioner continued to discharge his duties. Learned counsel for the petitioner submits that once the petitioner had worked for the said period of 80 days upon cancellation of his application to avail his

earned leave, though, initially sanctioned to him, the petitioner has to be given the benefit of the said 80 days upon his retirement by way of encashment of same.

Learned State counsel submits that according to the Leave Encashment Rules, maximum 300 days of earned leave can be encashed at the time of retirement, even if, earned leave pending in the kitty of an employee is beyond 300 days.

Learned counsel for the petitioner submits that though, as per the Rules governing the service maximum earned leave, which could be encashed at the time of retirement of an employee is 300 days but, then prayer of the petitioner for the grant of earned leave for a period from 04.09.2018 to 22.11.2018 should not have been cancelled after being initially granted.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The question before this Court is how much earned leave an employee can encash at the time of retirement. The said concession is covered by the rules applicable upon an employee serving in a particular institution. It is conceded position that the employees of the respondent/Institution can encash maximum 300 days earned leave at the time of their retirement, even if, earned leave pending in the kitty of the employee is beyond 300 days.

That being so, grievance as being raised by the petitioner in the present writ petition for encashment of earned leave of 80 days beyond 300 days earned leave already encashed is not supported by the rules governing his service, hence, the said prayer cannot be accepted.

With regard to the contention of the learned counsel for the petitioner that the earned leave which petitioner had applied for a period from 04.09.2018 to 22.11.2018, which was initially granted but, later on cancelled, is a different subject matter and not invoke in terms of the present petition. Once, the cancellation of the said earned leave was accepted by the petitioner and the petitioner continued working for the said period, he cannot raise the said grievance that the said benefit was not extended to him now at this stage when he has already retired from service.

Keeping in view the above, no ground to quash the order dated 14.12.2021 (Annexure P/7) is made out.

Dismissed.

Learned counsel for the petitioner submits that he be granted liberty to challenge the rules, which restricts the encashment of earned leave of maximum 300 days at the time of retirement of the employee.

No permission of this Court is necessary as in case the petitioner feels aggrieved in respect of any relief, he can avail an appropriate remedy with regard to the said grievance before the competent Court of law, if permissible.

March 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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