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

(103) **CWP No. 18959 of 2021**
Date of Decision : 20.09.2022

Dalbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shubham Saroha, Advocate for the petitioner.

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Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance of the petitioner is that he has not been allowed to encash the total earned leaves, which were available in his account at the time of retirement.

Learned counsel for the petitioner submits that only 134 earned leaves have been allowed for encashment, whereas the total earned leave was of 260 days hence, the respondents are under an obligation to release the remaining payment for which the petitioner is entitled for. Learned counsel for the petitioner further submits that a sum of ₹40,000/- has been deducted on account of tax, which is also arbitrary and illegal.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The petitioner had raised the same grievance before the authorities concerned by way of serving a legal notice dated 15.07.2019

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(Annexure P-6) after the retirement that he is entitled for leave encashment more than what is extended to him. The said legal notice has been replied by the respondents vide Annexure P-2 dated 15.10.2019, where the details have been given as to on what account, the petitioner has been paid the leave encashment for 134 days. The petitioner was entitled for 260 days earned leave upto the date of his retirement, out of which, he had already availed 126 days leave and at the time of retirement, only 134 days were left, which have already been encashed by the petitioner and the amount is paid to the petitioner. That being so, no grievance can be raised by the petitioner in the said account as nothing has come on record that the petitioner had not availed 126 days leave encashment upto the date of his retirement.

With regard to the second ground that tax has been deducted while giving the arrears, the same is part of the rule. Even otherwise, said ₹40,000/- has been deposited in the account of the petitioner only and in case, petitioner has no liability of payment of tax for the year concerned upto the amount deducted, he will get the refund of the tax deducted.

Keeping in view the above, the grievance being raised by the petitioner does not find merit and the writ petition is accordingly dismissed.

September 20, 2022 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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