

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

CWP-23117-2022 (O&M)

Date of Decision: 10.10.2022

Ram Phal

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Kaith, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing respondents to extend the benefit of leave to the petitioner for a period of six months, preparatory to retirement.

2. Reliance is being placed upon Rule 43 of Haryana Civil Services (Leave) Rules, 2016, which is reproduced herein below:-

*“43. Grant of leave preparatory to retirement (LPR).— A Government employee **may be** permitted by the competent authority to grant leave preparatory to retirement (LPR) to the extent of earned leave and/or half pay leave due, not exceeding 180 days, up to and including the date of retirement. A Government employee, who proceeded on leave preparatory to retirement, shall not be allowed to join the duties during the period of leave preparatory to retirement. The benefit of leave encashment of earned leave up to the limit prescribed from time to time shall also be admissible in addition to leave preparatory to retirement.”*
(emphasis supplied)

3. A bare perusal of the aforesaid Rule makes it clear that it does not confer an absolute right to seek leave preparatory to retirement (LPR). Same is subject to the discretion of the competent

authority by looking in the peculiar circumstances, as may be prevailing, in case an employee is deserving or not for such a benefit. Being so, no mandamus can be sought as a matter of right, as is being canvassed by the learned counsel for the petitioner.

4. Dismissed.

(ARUN MONGA)
JUDGE

October 10, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No