

2023:PHHC:092233
**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-895-2019 (O&M)
Date of decision: 19.07.2023

Ishwar Dutt Head Master (Retired)

....Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Mukesh Kumar Sharma, Advocate for
Mr. P.K.Kataria, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

1. The appellant filed a suit for grant of a decree of declaration and for mandatory injunction. Now the remaining dispute between the parties is confined to the encashment of an earned leave. The appellant claims that he is entitled to the encashment to the extent of 322 ½ days.

2. On the other hand, the defendant (the respondent) has submitted that the appellant is not entitled to 63 days of earned leave during the summer vacations of the years 2001 and 2005. The trial court decreed the suit, however, the First Appellate Court has modified the judgment and decree passed by the trial court. It may be noted here that originally appellant was compensated for 205 days of earned leave. By a subsequent decision, 47 more leaves have been added. Thus, the appellant has already been granted encashment of earned leave to the extent of 252 days.

3. Learned counsel representing the appellant contends that as per the applicable Rules, the benefit of the earned leave is equivalent to the amount of salary payable to the employee. He submits that the

respondents are wrongly denied the benefit of the earned leave for the year 2000, 2001 and 2005.

4. This Court has considered the submission of the learned counsel representing the parties. It may be noted here that the appellant has been deprived of the earned leave for the duty in vacation in the year 1984 as it has been found that the appellant marked his presence by the same pen and even marked his presence for 31st June whereas in the month of June, there are only 30 days. Moreover, he has not been held entitled to the earned leave for working during the vacations in the year 2000, 2001 and 2005 as a Clerk was already posted for the period of summer vacations and the petitioner being Headmaster was not required to remain in the school. He has also not been granted the benefit of the earned leave for the year 2002 and 2004 as he performed the duty as a Master Trainer for 35 days out of 42 days.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere in the judgment passed by the First Appellate Court is made out.

6. Hence, dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

19.07.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE