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

CWP-5746-2023

Date of Decision: 20.03.2023

Amarjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harlove Singh Rajput, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant/disburse the un-availed Earned Leave/Leave Encashment benefits accruing to the tune of Rs.6,71,796/- along with interest @ 12% per annum.

Learned counsel for the petitioner has submitted that the petitioner had retired on 30.11.2018 and he was entitled for the grant of Leave Encashment but the same has not been disbursed to the petitioner. He further submitted that the other similarly situated persons have been granted the benefit, but there is no reason for not granting the aforesaid benefit to the petitioner. He also submitted that he had given a detailed representation to respondent No.3 vide Annexure P-11 dated 16.12.2022 but neither the representation has been decided nor the aforesaid benefits have been

granted to the petitioner. He submitted that at this stage, he confines the prayer only to the extent of seeking a direction to respondent No.3 to consider and decide the representation (Annexure P-11) filed by the petitioner in accordance with law and within a time bound manner.

Notice of motion.

Ms. Ambika Bedi, learned AAG, Punjab accepts notice on behalf of respondent Nos.1 & 2 and stated that she has no objection in case a direction is issued to respondent No.3 for considering and deciding the representation filed by the petitioner vide Annexure P-11 in accordance with law and within a time framework.

I have heard the learned counsel for the parties.

The limited prayer of the petitioner in the present case at this stage is that his representation (Annexure P-11) has not been considered and no order has been passed on the same till date.

In view of the aforesaid position and without observing anything on the merits of the case, this Court deems it fit and proper to dispose of the present petition at this stage even without calling for reply from the respondents.

Consequently, the present petition is disposed of with a direction to respondent No.3 to consider and decide the representation filed by the petitioner vide Annexure P-11 dated 16.12.2022 strictly in accordance with law by passing a well-reasoned speaking order within a period of three months from today.

Needless to say that the order which is to be passed by respondent No.3 has to be well-reasoned speaking order after considering

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the submissions made by learned counsel for the petitioner that similarly situated persons have been granted the same benefits.

In case, the petitioner is found to be entitled for the benefits as prayed by him, then the same shall be released to him along with interest @ 6% p.a. within a period of two months thereafter and in case, the petitioner is found to be not entitled for the aforesaid benefits then the well-reasoned speaking order shall be conveyed to the petitioner by way of written communication.

20.03.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No