

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

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CWP No. 6340 of 2023

Date of Decision: 29.04.2023

STATE OF HARYANA AND ANR

.....Petitioners

Vs

BALJEET SINGH HOODA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Narender Singh Bahgal, AAG, Haryana.

Mr. Dhiraj Chawla, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Notice of motion was issued on 20.03.2023 by passing
the following order:-

*“Learned counsel for the petitioners contends that
benefit of leave encashment can only be granted after
coming into force of instructions dated 02.07.2021. Prior to
the aforesaid instructions, the employees of aided
polytechnic were not entitled to leave encashment. The
employees are only entitled for interest(if any) after passing
of reasonable period from the date of issuance of aforesaid
instructions.*

Notice of motion returnable on 29.04.2023.”

Evidently the contention of learned counsel for the petitioners was that the benefit of leave encashment can only be granted after coming into force the instructions dated 02.07.2021 and prior thereto, the employees of Aided Polytechnic were not entitled to leave encashment. The employees are only entitled for interest after passing of reasonable period from the date of issuance of aforesaid instructions dated 02.07.2021.

Learned counsel for the respondents, however, relied upon the order dated 06.02.2023 passed in CWP No.229 of 2023 in a case of similarly situated employees titled **State of Haryana and another vs. Harvir Singh and others**, in which while disposing of the writ petition, the following observations were made:-

“Evidently, in case of the Polytechnic Institute of the present nature, the petitioner/ department has admitted that the instructions dated 14.08.2018 are applicable in case of Government Aided Polytechnic Institute, therefore, I have no hesitation to direct the petitioners to pay the interest after four months from 14.08.2018 i.e. from 14.12.2018 @ 6% per annum till final realization of the amount.

With the aforesaid modification, the aforesaid Writ Petition is disposed of.”

A perusal of Annexure P-5 attached with this writ petition would show that the State Government has already extended the benefit of instructions dated 14.08.2018 to the employees of the

Government Aided Polytechnic (Technical Education). However, as regards the interest part, the District Judge had granted 9% interest. The Government was of the view that qua the interest part, the same be challenged and the benefit of leave encashment be given on the basis of calculations of earned leave w.e.f. 09.04.1987 and as per Government instructions issued from time to time. The aforesaid letter/memo dated 02.07.2021 is not in the form of any instructions, superceding the instructions dated 14.08.2018 in any manner. While relying upon the instructions dated 14.08.2018, this Court, vide order dated 06.02.2023 has already disposed of the writ petition, thereby reducing the interest to the tune of 6% per annum after four months (14.08.2018 i.e. 14.12.2018 till final realization of the amount in that case).

For the detailed reasons recorded in CWP No. 229 of 2023, this writ petition is also disposed of in the same terms.

(RAJ MOHAN SINGH)
JUDGE

April 29, 2023

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whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no