

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

(228)

CWP-13159-2022

Date of decision: - 11.08.2023

Naresh Kumar

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Praveen Kumar, Advocate
for Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondents.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to take decision upon the application/request letter dated 15.04.2022 (Annexure P-5) made by the petitioner for grant of 102 days earned leave keeping in view the health condition of the petitioner.

2. Learned State counsel has submitted that the application dated 15.04.2022 (Annexure P-5) filed by the petitioner has never been received by the respondent authorities, but has submitted that in case the application is filed by the petitioner, then, the same would be considered by the competent authority as expeditiously as possible, preferably, within a period of two weeks, from the date of receipt of the said application.

3. Learned counsel for the petitioner has prayed that in view of

the above, the present writ petition be disposed of with liberty to the petitioner to move an application for grant of 120 days earned leave and the respondent authorities be directed to consider the same as expeditiously as possible.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with the following terms: -

- (i) It would be open to the petitioner to move an application for the grant of 120 days of earned leave to the competent authority of the respondent authorities.
- (ii) In case the said application is moved, then, the Competent Authority of the respondent authorities would take a final decision on the same in accordance with law, as expeditiously as possible, preferably, within a period of two weeks from the date of filing of the said application.
- (iii) In case the competent authority of the respondent authorities is of the view that the pleas raised by the petitioner are meritorious, then, the necessary relief be granted to the petitioner as expeditiously as possible. In case the competent authority is of the view that the pleas raised by the petitioner are meritless, then, a speaking order rejecting the claim be passed within the aforesaid period of two weeks.

4. It is made clear that this Court has not opined on the merits of the case and the competent authority of the respondent would consider the said application independently, in accordance with law.

August 11, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No