

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13541-2016 (O&M)
Date of Decision: 19.12.2023

JASWANT SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...RespondentS

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arvind Seth, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

Affidavit of Joint Secretary to Government of Haryana, Department of Finance in compliance of order dated 05.12.2023 on behalf of respondent No.2 filed in Court is taken on record.

2. In the present petition, number of grievances has been raised by the petitioner to be addressed by the respondents. The first grievance raised was that keeping in view the policy issued by the Government of Haryana, the employee like the petitioner who had been retrenched from the Haryana Minerals Limited, was entitled for the grant of honorarium in lieu of the pension.

3. Learned counsel for the respondents submits that upon reconsideration, the said grievance of the petitioner has already been redressed and a sum of Rs. 4,56,000/- has already been paid to the petitioner after concluding the fact that the petitioner was entitled for honorarium in lieu of pension and therefore, the said grievance of the petitioner already stands redressed.

4. The second grievance raised by the petitioner is that he has not

been given the actual arrears upon the retrospective promotion as ordered vide Annexure P-6 dated 25.07.2014. He further submits that there is no challenge to order Annexure P-6 and the said order had already been implemented in its letter and spirit and as per the order Annexure P-6 dated 25.07.2014, the arrears were not to be given and the promotion was to be given notionally without any arrears. Hence, in the absence of any challenge to the said order, no benefit of arrears can be granted.

5. Faced with this situation, learned counsel for the petitioner submitted that the present prayer may kindly be disposed of as having been not pressed at this stage with liberty to agitate the same afresh by filing fresh petition challenging Annexure P-6.

6. Ordered accordingly.

7. The further prayer of the petitioner is that the petitioner is entitled for 300 days of leave encashment which has not been given to him. 8.

Learned counsel for the respondents submits that for whatever period he has worked with the Department, the leave encashment amounting to 108 days has already been given to the petitioner. Learned counsel for the respondents submits that nothing has come on record that while working in Haryana Minerals Limited, the petitioner had earned leaves in his kitty to be encashed.

9. Keeping in view the fact that Haryana Minerals Limited is not a party in the present petition and nothing has come on record that benefit of earned leaves beyond 108 days is still admissible to the petitioner, no order can be passed granting benefit on the said aspect. Liberty is given to the petitioner to seek appropriate record from the Haryana Minerals Limited *qua* the leaves available for encashment at the time of retrenchment and in case any benefit *qua* the encashment of leaves during the period for which the petitioner was

working with Haryana Mineral Limited is admissible and is yet to be paid, the petitioner is granted liberty to file appropriate representation with the authorities concerned to claim the benefit of earned leaves in case the same is admissible.

10. Learned counsel for the petitioner submits that the petitioner has also not been paid the medical allowance as per his entitlement.

11. Learned counsel for the respondents submits that in case any such grievance is raised before the authorities concerned, an appropriate order will be passed *qua* such entitlement of the fixed medical allowance as being claimed by the petitioner and in case he is found entitled for, appropriate relief will be given.

12. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, no further grievance of the petitioner survives in the present petition and the same be kindly disposed of as having been not pressed any further with liberties as prayed for.

13. Ordered accordingly.

14. It may be noticed that claim of the pension has not been raised by the petitioner while making the arguments, as the same is pending consideration in CWP-2465-2017,

15. Pending applications, CM-3800-CWP-2013 and CM-3801-CWP-2023 are also disposed of as such.

(HARSIMRAN SINGH SETHI)
(JUDGE)

19.12.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No