

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

108

LPA-933-2023 (O&M)

Date of Decision: 28.11.2023

State of Haryana and another

...Appellants

versus

Harvir Singh and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE**

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana

AMAN CHAUDHARY, J.**CM-2389-LPA-2023**

For the reasons stated in the application, the same is allowed and delay in refiling the appeal is hereby condoned, subject to all just exceptions.

Main appeal

1. The present appeal, filed under Chapter X of Letters Patent has been filed against the order dated 06.02.2023 passed by learned Single Judge, disposing of the petition by directing the appellants to pay the interest @ 6% per annum till final realization of the amount.
2. Notably, the Educational Tribunal was dealing with an appeal against the inaction on the part of the respondents in not releasing the benefits of leave encashment to the employees of the Polytechnic Institute, it being part of their salary, which was being resisted by the State on the ground that the matter stands referred to the Finance Department, wherein the same is pending. The claim was allowed and the amount was held to be payable with interest @ 9%,

which was made the subject matter of the writ petition by the State only as regards the grant of interest.

3. The learned Single Judge recorded the admitted position between the parties being that the relief towards grant of leave encashment had been allowed in CWP-25727-2016 by this Court in the case of **Jasmer Singh vs. State of Haryana and others**, by making a reference to Instructions dated 14.08.2018 regarding the same. However, the Finance Department accorded approval on 02.07.2021 on a request having been made about it on 04.11.2019. There being an apparent delay, however, learned Single Judge has rightly balanced the equities by reducing the rate of interest to 6% while modifying the order passed by the District Judge exercising the powers of Educational Tribunal, Rohtak.

4. In view of the aforesaid, we are of the considered opinion that no interference is called for in the present appeal.

5. Dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

28.11.2023

gsv/mkk

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO