

2024:PHHC:032913

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

125

CWP-5461-2024 (O&M)
Date of decision: 07.03.2024

Jasdev Singh and Others
.....Petitioners

Versus

State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mukesh Arora, Advocate for the petitioners

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for issuance of directions to the respondents to make payment of leave encashment on the basis of revised pay in accordance with the Punjab Civil Services (Revised Pay) Rules, 2021.
2. Learned counsel would contend that the leave encashment of revised pay has not been granted to the petitioners, in terms of Punjab Civil Services (Revised Pay) Rules, 2021, even though, it was applicable from 01.01.2016 and petitioners have retired between the said date, till the issuance of the said rules, despite the fact that the Division Bench of Himachal Pardesh High Court in **Amita Gupta vs. State of Himachal Pardesh and Others** in CWP-7359-2021, on 01.12.2022, has decided this controversy in favour of similarly situated employees. In this regard, a legal notice dated 06.11.2023, Annexure P-3, has been served upon respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioners are sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to

decide the same in a time bound manner by granting them an opportunity of hearing.

- 3. Notice of motion.
- 4. At the asking of the Court, Mr. A.S. Bains, AAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
- 5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the legal notice dated 06.11.2023, Annexure P-3, taking note of the pleas raised and judgment relied upon in case of **Amita Gupta (supra)**, within a period of 6 months and if found entitled, necessary benefits be granted to the petitioners forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating them therewith.

(AMAN CHAUDHARY)
JUDGE

07.03.2024
M.Kamra

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