



1 CWP-17291-2020 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-17291-2020 (O&M)
Date of Decision:28.10.2024

Mohan Lal

.....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Goyat, Advocate for the petitioner.

Mr. Sanjeev Majra, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 09.02.2019 (Annexure P-4) vide which the claim of the petitioner for grant of pensionary benefits alongwith leave encashment has been rejected.

2. Learned counsel for the petitioner submitted that the petitioner was working as Lower Divisional Clerk in the office of respondent-Dakshin Haryana Bijli Vitran Nigam (hereinafter to be referred as Nigam). An FIR under Sections 7, 13 and 49 of Prevention of Corruption Act, 1988 was registered against him in the year 2005. Subsequently, he was convicted by the learned Trial Court on 06.11.2009 and thereafter, the respondent-Nigam



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dismissed the petitioner from service on 23.07.2010 on the grounds of moral turpitude. Learned counsel contended that despite dismissal from service, the petitioner is entitled for grant of leave encashment and compassionate allowance. He referred to a judgment of Coordinate Bench of this Court in the case of ***Dhir Chand Vs. State of Haryana and others*** bearing CWP No.27383 of 2013 decided on 19.11.2018 (Annexure P-5) to contend that leave encashment should be paid because it constitutes a part of the salary.

3. On the other hand, learned counsel appearing on behalf of the respondent-Nigam submitted that since the petitioner was dismissed from service especially on the ground of moral turpitude all his benefits had to be forfeited except for General Provident Fund. He referred to a judgment of Coordinate Bench of this Court in the case of ***Ram Kumar Ranga Vs. State of Haryana and others*** bearing CWP No3843 of 2019 decided on 15.07.2019 to contend that a specific issue was decided in that case regarding whether an employee will be entitled for the grant of leave encashment and other benefits/allowances or not. He pointed out that the judgment cited by learned counsel for the petitioner in ***Dhir Chand's case (supra)*** was also referred in ***Ram Kumar Ranga's case (supra)***. Therefore, the petitioner does not have any right to get the benefit of leave encashment in view of the proposition of law which has been so decided by Coordinate Bench of this Court in ***Ram Kumar Ranga's case (supra)*** and, therefore, the present petition is liable to be dismissed.

4. After hearing learned counsels for the parties, this Court is of the considered view that the case of the respondent-Nigam is squarely covered



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by the aforesaid judgment of a Coordinate Bench of this Court in ***Ram Kumar Ranga's*** case (supra) which is later in point of time and also considers the earlier judgment passed by Coordinate Bench of this Court in ***Dhir Chand's case*** (supra) and it was held in the aforesaid judgment that after dismissal from service, an employee is not entitled for the grant of leave encashment and other benefits/allowances.

5. In view of the aforesaid facts and circumstances, this Court is of the view that on the same analogy, the petitioner is not entitled for leave encashment and compassionate allowances/other benefits.

6. Finding no merit in the present case, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

28.10.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No