

CM-9140-CWP-2022 in/&
CWP-2236-2017

-1-

2024:PHHC:056644

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

208

**CM-9140-CWP-2022 in/&
CWP-2236-2017
Date of Decision :25.04.2024**

Hans Raj Kapoor

...Petitioner

Versus

**Vice Chancellor, Haryana Agricultural
University, Hisar and another**

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harshit Joon, Advocate for
Mr. Manvender Rathee, Advocate for the petitioner.

None for the respondents.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-9140-CWP-2022

Present application has been filed for recalling the order dated 16.05.2022 passed by this Court by which, the main writ petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 16.05.2022 passed by this Court is recalled and the main writ petition is ordered to be restored to its original number and status and is taken up for hearing today itself.

CWP-2236-2017

In the present petition, challenge is to order dated 05.10.2016

(Annexure P/6) by which, the prayer of petitioner for the grant of pension,

Gratuity and leave encashment and other benefits after his dismissal/removal from service, was rejected by the respondents.

2. As per the facts mentioned in the present case, the petitioner was removed from service vide order dated 15.01.2003 (Annexure P/1) after holding due departmental enquiry into the allegations alleged against the petitioner and even appeal filed by the petitioner was dismissed vide order dated 14.11.2005. The said order was challenged by the petitioner by filing CWP-7340-2004, which writ petition was withdrawn vide order dated 07.05.2004 and, thereafter, order of removal from service was challenged by the petitioner by way of filing a civil suit and the lower Court vide order dated 27.08.2013 rejected the said civil suit under Order 7 Rule 11 of the CPC.

3. Thereafter, an appeal filed by the petitioner against the said order dated 27.08.2013 was also dismissed on 17.05.2016 (Annexure P/3) but with liberty that in case petitioner is entitled for pensionary benefits, he can claim the said benefit from the concerned department.

4. In the present petition, petitioner is claiming that he is entitled for the grant of leave encashment and reliance is being placed upon the judgment of the Coordinate Bench of this Court in **CWP-27383-2013 titled as Dhir Chand vs. State of Haryana and others, decided on 19.11.2018.**

5. No one appears on behalf of the respondents.

6. The only claim of the petitioner in the present petition is as to whether the petitioner is entitled for the grant of leave encashment despite the fact that he was removed from service for which, reliance is being placed

upon in the case of **Dhir Chand (supra)**.

7. It may be noticed that after considering the judgment in **Dhir Chand (supra)**, this Court while passing order in **CWP-3843-2019 titled as, Ram Kumar Ranga vs. State of Haryana and others, decided on 15.07.2019**, has held that the leave encashment is admissible only at the time of retirement and not at any time before attaining the age of superannuation. It has been further held that an employee, who has been removed from service, is not entitled for the grant of leave encashment.

8. Learned counsel for the petitioner has not been able to distinguish that the judgment in the case of **Ram Kumar Ranga (supra)** is not applicable in the facts and circumstances of the present case.

9. It may be noticed that a Coordinated Bench of this Court which passed the order in **Dhir Chand (supra)** has also dismissed the **CWP-9742-2019 titled as Harbans Lal vs. State of Punjab, decided on 21.08.2019**, placing reliance upon the case of **Ram Kumar Ranga (supra)** hence, keeping in view the settled principle of law settled by this Court in **Ram Kumar Ranga (supra)**, which has been passed after considering the judgment passed in **Dhir Chand (supra)**, no benefit of the said judgment can be extended to the petitioner qua the grant of leave encashment.

10. No other argument has been raised.

11. Keeping in view the facts and circumstances recorded hereinbefore, present petition is dismissed.

April 25, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No