

CWP-17527 of 2024

2024 PHF-C:158158



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

CWP-17527 of 2024

Date of decision: 26.11.2024

Darshan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Sunny Singla, Advocate, and
Ms. Riti Aggarwal, Advocate,
for the petitioners.

Mr. Surya Kumar, AAG, Punjab,
for respondents No.1 to 3, 5 and 6.

Mr. Shobhit Phutela, Advocate,
for respondent No.4.

Mr. Rajesh Sehgal, Advocate,
for respondent No.7.

NAMIT KUMAR, J. (ORAL)

1. Present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of *mandamus* directing the respondents to grant the petitioners the benefit of leave encashment for 450 days in lieu of unutilized earned leaves lying at their credit on the dates of their superannuation rather than payment of 300 earned leaves (paid to the petitioners) along with all arrears of pay and consequential benefits with interest @ 12% per annum.

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2. Learned counsel for the petitioners submits that the petitioners retired from service on attaining the age of superannuation between the years 2015-2020 and they are entitled for the benefit of leave encashment for 450 days in lieu of unutilized earned leaves instead of 300 earned leaves. However, they have not been given the said benefit. Learned counsel submits that the petitioners have served legal notice dated 02.02.2024 (Annexure P-4) upon the respondents and at this stage, petitioners would be satisfied, if the said legal notice is considered and decided by passing a speaking order in a time-bound frame.

3. Notice of motion.

4. Mr. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3, 5 and 6, Mr Shobhit Phutela, Advocate, accepts notice on behalf of respondent No.4 and Mr. Rajesh Sehgal, Advocate, accepts notice on behalf of respondent No.7 and they have no objection to the innocuous prayer made by learned counsel for the petitioners.

5. I have heard learned counsel for the parties and have gone through the record of the case.

6. Without expressing any opinion on the merits of the case or the claim being made by the petitioners in the present petition, respondents No.4 and 7 are directed to consider and decide the claim made by the petitioners in legal notice dated 02.02.2024 (Annexure P-4) in accordance with law, by passing a speaking order within a period of three months from the date of receipt of certified copy of this order.

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In case, the petitioner are found entitled, necessary benefits be released within a period of three weeks thereafter.

7. The petition stands disposed of.

26.11.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No