



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(131)

CWP No. 18621 of 2024
Date of Decision : 05.08.2024

Nachattar Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Manpreet, Advocate for the petitioner.
Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner submits that the petitioner was appointed as a daily wage worker with the respondents in the year 1986 and petitioner continued working till her services were regularized in the year 2017 w.e.f. 25.10.2011. Learned counsel submits that rather than counting the leave encashment on the total length of service i.e. Ad-hoc as well as the regular service, which is being treated as a qualifying service, only the benefit of service from the year 2017 onward have been taken into account to compute the leave encashment, which is arbitrary and illegal.
2. Learned counsel for the petitioner submits that petitioner is entitled for the full service to be treated as a qualifying service for computing the benefit of leave encashment and it cannot be said that the petitioner had only 46 days of leave encashment despite working for more than three decades.



3. Notice of motion.

4. On the asking of the Court, Mr. Charanpreet Singh, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned counsel for the respondents submits that the claim of the petitioner will be considered in accordance with law keeping in view the rules governing the service so as to determine the qualifying service and the petitioner's earned leave will also be computed keeping in view the total qualifying service, which the petitioner have to her credit and in case, any benefit is to be extended to the petitioner, the same will be extended by passing an appropriate speaking order and in case, no benefit is to be extended, the reasons will be mentioned in the said speaking order, which will be conveyed to the petitioner also.

6. Learned counsel for the petitioner submits that in view of the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further.

7. Ordered accordingly.

August 05, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No