

CWP-21331 of 2024

2024.PHHC:112009



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

CWP-21331 of 2024

Date of decision: 30.08.2024

Hari Chand and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Nitesh Singla, Advocate,
for the petitioners.

Mr. Surya Kumar, AAG, Punjab.

Mr. Sanjiv Soni, Advocate,
for respondent No.3.

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 revise the leave encashment of petitioners in view of revised pay and further to release arrears of revised leave encashment to the petitioners along with interest @ 9% on the delayed payments.

2. Learned counsel for the petitioners submits that the petitioners are entitled for grant of revised leave encashment in terms of notification dated 05.07.2021 (Annexure P-2) and letter dated 29.10.2021 (Annexure P-3). He further submits that petitioners have served a legal notice dated 16.05.2024 (Annexure P-4) upon the respondents for claiming said benefit, however, the same is still

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pending consideration with the respondents. He submits that at this stage, petitioners would be satisfied, if the said legal notice is considered and decided by respondent No.3 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 and 2-State and Mr. Sanjiv Soni, Advocate, accepts notice on behalf of respondent No.3 and has 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 petitioner in the present petition, respondent No.3 is directed to consider and decide the claim made by the petitioners in legal notice dated 16.05.2024 (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. In case, the petitioners are found entitled, necessary benefits be released within a period of three weeks thereafter.

7. The petition stands disposed of.

(NAMIT KUMAR)
JUDGE

30.08.2024
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No