

2024.PHHC.112929



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.21538 of 2024 (O&M)
Date of decision: 31.08.2024

Jagjiwan Singh Sidhu

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ashutosh Bhardwaj, Advocate
with Mr. Parvesh Kumar Saini, Advocate
and Mr. Budhadev Maity, Advocate
for the petitioner.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, quashing the illegal/wrong action of the respondent – department for deducting the sanctioned leaves (Annexures P-15 to P-19 dated 26.07.2018, 21.08.2018, 28.08.2018, 13.09.2018, 24.09.2028) on medical grounds from earned leaves account instead of converting them to commuted leave account as is clear from Annexure P-6, resulting in wrongful deduction of earned leaves. Further a writ of mandamus has been sought for directing the respondents to convert the sanctioned leaves on medical grounds into commuted leaves as is clear from Annexure P-15 to Annexure P-19, which have been wrongly deducted from the earned leaves account of the petitioner. Further prayer has been made to direct the respondents to

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grant the petitioner the benefit of leave encashment due in lieu of unutilized earned leave lying at his credit on the date of his retirement i.e. 31.10.2019, along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that the petitioner joined the services as Accounts Clerk on regular basis in the office of Punjab State Warehousing Corporation, Chandigarh on 08.04.1978 and subsequently, he was promoted as Godown Assistant and further as Warehouse Manager. Thereafter, the petitioner retired from service on attaining the age of superannuation, however, the respondent – Department wrongfully deducted earned leaves of the petitioner. Learned counsel for the petitioner confines his prayer for deciding legal notice dated 29.05.2024 (Annexure P-14), submitted by the petitioner. He further submits that petitioner would be satisfied, in case time bound directions are issued to respondent No.2 to decide the said legal notice dated 29.05.2024 (Annexure P-14), by passing a speaking order.

3. Notice of motion.

4. On the asking of the Court, Mr. Rajesh Sehgal, Addl. A.G., Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioner.

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

6. Without going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.2 to

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decide legal notice dated 29.05.2024 (Annexure P-14), submitted by the petitioner expeditiously, by passing a speaking order, preferably within a period of 03 months from the date of receipt of certified copy of this order. Necessary benefits, if any, found due to the petitioner shall be released expeditiously preferably within a period of 04 weeks thereafter.

(NAMIT KUMAR)
JUDGE

31.08.2024
yakub

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