

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

LPA-230-2018 (O&M)

Date of decision:- 07.02.2024

State of Haryana and another ...Appellant(s)

Versus

Dr. Amar Singh Malhotra and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.
Mr. Ranjit Saini, Advocate,
for respondents No. 1 to 4, 7, 9, 10, 12, 13, 15 to 17, 19 to 25, 27,
28, 32, 34, 35 & 37.
Mr. G.C. Shahpuri, Advocate,
for respondent No. 40.

* * * *

G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The present appeal is arising out of an order dated 18.01.2017 passed by the learned Single Judge, whereby RA-CW-222-2016 was allowed and the order dated 08.02.2016 passed in CWP-10370-2013 titled as *Dr. Amar Singh Malhotra and others Vs State of Haryana and others* was recalled and the main writ petition was disposed of in the same terms as CWP-12179-2011 titled as *Dr. K.L. Johar and others Vs State of Haryana and others* decided on 10.11.2016.

2. Apart from the benefit of gratuity granted to the respondents with effect from 01.01.1996 in terms of the judgement dated 20.08.2007 rendered by this Court in CWP-3732-2001 titled *Dr. Karan Singh Rathee and others Vs State of Haryana*, the gratuity already paid to them was to be adjusted against the balance payment. The leave encashment was also to be paid in the same terms only to the persons who were working against the regular and aided posts and the benefit of interest was also to be granted.

3. Learned counsel for respondent No. 25 in LPA-229-2018 has placed on record the communication dated 14.08.2018 addressed from the

Additional Chief Secretary to Government Haryana Higher Education Department to the Principals of Government Aided Private Colleges, wherein the benefit of the earned leave is to be granted to government aided private college employees at par with their counterparts working in government colleges. In principle, the sum and substance is, the judgement has been accepted.

4. The relevant part of the letter dated 14.08.2018 reads as under:-

“Keeping in view the judgement of Hon’ble Punjab and Haryana High Court in CWP No. 12179 of 2011 dated 10.11.2016, the State Government has decided to grant the benefit of encashment of earned leave to all Government Aided Private Colleges (Teaching and Non-Teaching employees at par with their counterpart working in Government Colleges. The leave encashment benefit will be given on the basis of calculations of earned leave w.e.f. 09.04.1987 and as per Government instructions issued from time to time thereafter. The amount of leave encashment will be borne to the extent of 95% by State Government and 5% share shall be contributed by the management of College.

These instructions may kindly be brought to the notice of all concerned for strict compliance.”

This is issued in concurrence with FD-II U.O. No. 0/22/2017-2FD-II/13332 dated 07.06.2018.”

5. Since the appeal was filed prior in point of time, when learned counsel for the State did not have necessary instructions.

6. Accordingly, the appeal is disposed of as having been rendered infructuous with liberty to revive in case any lis still remains pending.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

07.02.2024
Amodh Sharma

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