

2024:PHHC:127739



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.24788 of 2024 (O&M)
Date of decision: 26.09.2024

Gurmesh Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunny Singla, Advocate
for the petitioners.

NAMIT KUMAR J. (Oral)

1. Prayer in this writ petition filed by the petitioners under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus, directing the respondents to accommodate 450 days leave under Rule 8.116 of the Punjab Civil Services Rules, Volume I Part I, Chapter VIII, in lieu of unutilized earned leave lying at their credit on the dates of their superannuation, whereas only 300 days is being allowed to be encashed after retirement, along with all arrears of pay and consequential benefits with interest @ 12% per annum.
2. Learned counsel for the petitioners submits that the petitioners retired from service on attaining the age of superannuation between the year 2016-2022 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 they have submitted a legal notice dated 08.05.2024 (Annexure P-4), and at this stage, petitioners

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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, 2, 3 and 5. On the asking of the Court Mr. J.S. Toor, Advocate, who is on the panel of Department of Local Government, Punjab, has accepted notice on behalf of respondent No.4 and 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 merits of the case or the claim being made by the petitioners in the present petition, respondent No.2 is directed to consider and decide the claim made by the petitioners in legal notice dated 08.05.2024 (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

26.09.2024

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