

CM-14180-CWP-2019 in/and
RA-CW-412-2017 with
CM-8433-CWP-2019 and
CM-8434-CWP-2019 in/and
CM-15085-CWP-2017 and
CM-15302-CWP-2017 in CWP-26678-2016 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103+214)

CM-14180-CWP-2019 in/and
RA-CW-412-2017 with
CM-8433-CWP-2019 and
CM-8434-CWP-2019 in/and
CM-15085-CWP-2017 and
CM-15302-CWP-2017 in
CWP-26678-2016
Date of Decision : September 20, 2024

Satwant Singh and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(2)

CM-13147-CWP-2017,
CM-770-CWP-2020 and
CM-13208-CWP-2017 in
CWP-15583-2017

Yash Pal Sharma and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(3)

RA-CW-61-2018 and
RA-CW-86-2018 and
CM-15068-CWP-2017
CM-15070-CWP-2017
CM-15082-CWP-2017
CM-15087-CWP-2017
CM-15321-CWP-2017
CM-14167-CWP-2019 in/and
RA-CW-496-2017 in
CWP-2407-2017

Kasturi Lal Saini and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents



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CM-8433-CWP-2019 and
CM-8434-CWP-2019 in/and
CM-15085-CWP-2017 and
CM-15302-CWP-2017 in CWP-26678-2016 2**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arun Abrol, Advocate,
for the non-applicant/petitioners.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Mr. G.S. Bal, Senior Advocate, with
Mr. Laxman Choudhary, Advocate,
for the applicant/respondents No. 5, 7, 8, 9 and 11.

Mr. Rajdeep Singh Cheema, Advocate,
for the applicant/respondent No. 10 and 12
in CWP-26678 of 2016
for applicant/respondents No. 3, 6, 7, 10 and 18
in CWP-2407-2017,
for the applicant/respondents No. 3 and 4
in CWP-15583 of 2017.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present review applications, the prayer is for recalling the order dated 08.08.2017 passed by this Court by which, the direction was issued to the Management of the Institution where the petitioners have discharged the duties to disburse the amount of leave encashment along with interest.

2. Learned counsel for the review applicants submits that the claim of the petitioners is not covered by the judgment passed in ***CWP No.23954 of 2013 titled as Kamal Bhardwaj and others vs. State of Punjab and others, decided on 11.03.2016***, in terms of which present petitions have been allowed hence, the order dated 08.08.2017 is liable to be reviewed.



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3. On being asked to point out as to how the case of the petitioners is not covered by the judgment in ***Kamal Bhardwaj's case (supra)***, the only reason given is that as per the prayer of the petitioners, the petitioners were also relying upon the judgment of this Court in ***CWP No.21773 of 2011 titled as Hoshiar Singh and others vs. State of Punjab and others, decided on 19.07.2016***, which is contrary to the judgment passed in ***Kamal Bhardwaj's case (supra)***.

4. It may be noticed that the present petitions have only been allowed in terms of ***Kamal Bhardwaj's case (supra)*** hence, the respondents are liable to comply with the judgment in ***Kamal Bhardwaj's case (supra)***.

5. Furthermore, it may be noticed that the grant of benefit of leave encashment in favour of the employees has already been decided by the Division Bench in ***LPA No.920 of 2012 titled as Arya College Rishi Dayanand Marg, Civil Lines, Ludhiana and another vs. State of Punjab and others decided on 01.10.2012*** wherein, the Division Bench has categorically held that the Management is liable to pay its employees the benefit of leave encashment.

6. Learned counsel appearing on behalf of the review-applicants has not been able to dispute the said fact.

7. Once, the question of law with regard to the grant of benefit of leave encashment has already been settled, no ground is made out for recalling the order dated 08.08.2017.



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8. At this stage, learned counsel appearing on behalf of the respondents submits that there are no details given with regard to the working of the petitioners in the institution concerned.

9. Learned counsel for the review applicants submits that the data of working of the petitioners in various institutions will be supplied to the respondent-Management within a period of four weeks from today and let the respondents comply with the order passed by the Coordinate Bench of this Court dated 08.08.2017.

10. It is directed that within a period of eight weeks of the receipt of information from the petitioners, the respondents will comply with the judgment dated 08.08.2017 passed in favour of the petitioners.

11. No other arguments was raised.

12. Review applications are disposed of accordingly.

13. Civil miscellaneous application pending if any, also stands disposed of.

14. A photocopy of this order be placed on the file of other connected cases.

September 20, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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