

**CWP-6829-2025****-1-**

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

121**CWP-6829-2025****Date of Decision: 13.05.2025****Hoshiyar Singh****...Petitioner(s)**

Versus

State of Haryana and others**...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Mukesh Yadav, Advocate for the petitioner

Ms. Tanushree Gupta, Deputy Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed with the grievance that the petitioner is entitled to leave encashment of twenty-five days from 21.11.2015 to 15.12.2015, as also Children Education Allowance for the complete session 2024-25, which have been withheld by the Department.

2. Learned counsel contends that the petitioner was transferred from Government Model Senior Secondary School, Kanina, to Government High School, Path Khori, District Mewat on 21.11.2015. However, the order was later cancelled vide office order, dated 15.12.2015, on account of the petitioner's wife being suffering from cancer. In these circumstances, he could not join service from 21.11.2015 to 15.12.2015, and this period needs to be treated as duty period. The petitioner cannot be deprived of any benefits on account of his absence. He also contended that the petitioner superannuated from service on 30.04.2024, and was paid Children Education Allowance only for the quarter up to the date of superannuation, though he was entitled to the same for the entire session of 2024-25.



3. Learned State counsel, on the contrary, contends that the petitioner remained absent from duty for twenty-four days from 21.11.2015 to 15.12.2015, and considering the circumstances he was in, this period of absence was converted into earned leave as per the rules, and an entry to that effect was made in his service book on the day he rejoined duty. She further contends that up to the date of superannuation the due benefit of Children Education Allowance has been given to the petitioner, and he is not entitled to the same post retirement.

4. Heard.

5. Undisputedly, the period of petitioner’s absence from 21.11.2015 to 15.12.2015 was converted into earned leave on 15.12.2015, the date he rejoined duty. No grievance against it was ever raised for the last about ten years, while the petitioner was in service. Consequently, he estopped from challenging the same at this stage. Besides, an employee is entitled to Children Education Allowance only for the duration he/she remains in service. The benefit cannot be extended post-retirement, nor any rule or regulation to that effect has been cited.

6. In view thereof, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

13.05.2025
Payal

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