



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

Sr. No.207

CWP-17576-2019 (O&M)

Date of decision: 29.10.2025

Goswami Ganesh Dutt Sanatan Dharam College, Haryana, District
Hoshiarpur and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Nitin Kaushal, Advocate, for the petitioners.

Mr. Amarpreet Singh Bains, AAG, Punjab.

Ms. Balpreet Sidhu, Advocate for respondent No.3-University
Through video conferencing.

Mr. Ishan Sharma, Advocate for respondent No.4.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioners have challenged the order dated 29.11.2018 (Annexure P-7) and order dated 07.03.2019 (Annexure P-8) passed by the Education Tribunal, Punjab (hereinafter referred to as the 'Tribunal'), whereby the petition filed by respondent No.4-Devinder Kumar Sharma was allowed.

2. The brief facts of the case are that respondent No.4-Devinder Kumar Sharma was appointed as a Head Clerk/Accountant in Goswami Ganesh Dutt Sanatan Dharam College, Haryana, District Hoshiarpur



(hereinafter referred to as the 'College') in the year 1986 on temporary basis. He got various promotions and retired on attaining the age of superannuation from the post of Superintendent on 31.10.2015. After his retirement, he made a request for grant of leave encashment. However, the same benefit was denied to him. As a consequence of this, respondent No.4-Devinder Kumar Sharma filed a petition before the Tribunal. The abovesaid petition was allowed by the Tribunal vide order dated 29.11.2018 (Annexure P-7). A perusal of the order passed by the Tribunal would show that the Tribunal relying upon the judgments passed by this Court in Hoshiar Singh and others Vs. The Secretary, Department of Education, Chandigarh Administration and others, 2016 (3) Law Herald, 2602 and Paramjit Singh Bansal Vs. Panjab University, Chandigarh and others, 2017 (2) SCT 686, held that respondent No.4-Devinder Kumar Sharma was entitled for grant of leave encashment. Direction was also given by the Tribunal to pay leave encashment to respondent No.4 within a period of three months from the date of passing of the order dated 29.11.2018 (Annexure P-7) along with interest @ 6% per annum from the date of retirement upto the date of payment.

3. The petitioners-College filed an application for review of the order dated 29.11.2018 (Annexure P-7) passed by the Tribunal. The abovesaid review application was also dismissed by the Tribunal vide order dated 07.03.2019 (Annexure P-8). A perusal of the abovesaid order



would show that taking into consideration the fact that respondent No.3-University had admitted the correctness of the contention raised by respondent No.4-Devinder Kumar Sharma, the Tribunal held that there was no reason to recall the order dated 29.11.2018 (Annexure P-7) and dismissed the review application.

4. Aggrieved against the order dated 29.11.2018 (Annexure P-7) and order dated 07.03.2019 (Annexure P-8), the petitioners-College has filed the present writ petition.

5. The only contention raised by learned counsel appearing on behalf of the petitioners-College before this Court is that as respondent No.4-Devinder Kumar Sharma did not exercise the option for leave encashment in terms of the Meeting of the Senate held on 10.10.2010 (Annexure A-3). As such, respondent No.4 was not entitled for grant of leave encashment.

6. On the other hand, learned counsel appearing on behalf of respondent No.4-Devinder Kumar Sharma submits that the orders passed by the Tribunal is in accordance with law as respondent No.3-University has accepted the claim of respondent No.4 in regard to grant of leave encashment.

7. I have heard learned counsel appearing on behalf of the parties at some length. In regard to the contention raised by the learned counsel appearing on behalf of the petitioners-college that respondent



No.4-Devinder Kumar Sharma was not entitled for grant of leave encashment as he has not given any option, in terms of Annexure A-3 is concerned, the abovesaid contention cannot be considered at this stage as it was never raised before the Tribunal. Even otherwise also, a perusal of the written statement filed by respondent No.3-University before the Tribunal would show that even as per the University, respondent No.4-Devinder Kumar Sharma has been held entitled for grant of leave encashment. An affidavit dated 18.10.2023 of Prof. Yajvender Pal Singh, Registrar, also been filed before this Court on behalf of respondent No.3, wherein it has been mentioned that non-teaching staff are also eligible for grant of leave encashment.

8. Learned counsel appearing on behalf of the petitioners-College has also not been able to controvert the ratio laid down by a Coordinate Bench of this Court in CWP-2873-2005 (along with other decided connected matters) titled as **Paramjit Singh Bansal Vs. Panjab University, Chandigarh and others.** A perusal of the judgment in **Paramjit Singh Bansal case (supra)** would show that it has been held that non-teaching staff of college are entitled for grant of leave encashment.

9. In view of the above, this Court finds no infirmity or illegality in the order dated 29.11.2018 (Annexure P-7) and order dated 07.03.2019 (Annexure P-8) passed by the Tribunal.



- 10. According, the present writ petition is dismissed.
- 11. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

29.10.2025
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No