



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

135

CWP-15540-2025

Date of decision: 27.05.2025

Rakesh Kumar Singla and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Riti Aggarwal, Advocate
for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Learned counsel submits that the claim of the petitioners for being allowed the benefit of leave encashment of 450 days in lieu of unutilized earned leave has been wrongly rejected by the respondents vide impugned order dated 05.03.2025, Annexure P-6.
2. Learned State counsel, on the other hand, refers to the judgment passed in **Ram Lal Jindal vs. High Court of Punjab and Haryana and another**, CWP-29121-2018, decided on 21.01.2025 alongwith other petitions, wherein this very issue as involved in this case stands decided, which the learned counsel for the petitioner was not able to rebut or cite any contrary judgment, the relevant paras whereof read thus:-

“9. A bare perusal of the above amendment shows that the amendment done to Rule 8.21(b) vide notification dated 30.10.2015, has already been done away with and that too from the same date i.e. 30.10.2015 while passing the amendment dated 10.07.2017 qua Rule 8.21 (b) of the Punjab Civil Services Rules Volume 1 part 1.

10. Learned counsel for the petitioners concedes that as per the amendment dated 10.07.2017 to Rule 8.21 (b), the same is subject to the maximum of 300 days as envisaged under Rule 8.21 (a). That being so, the prayer of the petitioners as raised in the present petitions, which were filed after the amendment dated 10.07.2017 are liable to be dismissed.

11. Further, an argument has been raised by the learned counsel



for the petitioners that any employee who has retired prior to the amendment dated 10.07.2017, but after 31.10.2015 is to be governed by the notification dated 30.10.2015 and will be entitled for encashment of total unutilized leave pending in the kitty of the such employee.

12. It may be noticed that once the amendment dated 30.10.2015 to Rule 8.21 (b) has already been taken away w.e.f. the same date keeping in view the amendment dated 10.07.2017, by a legal fiction, the Rule 8.21 (b) is to be read as per the amendment dated 10.07.2017 only. Once, the amendment has been made applicable retrospectively w.e.f. 30.10.2015 and the said amendment is not under challenge, the petitioners, who retired between 31.10.2015 till 10.07.2017 cannot claim that the notification dated 10.07.2017 cannot be made applicable upon them as the operation of the amendment dated 10.07.2017 retrospectively takes away the such arguments. Hence, for all intents and purposes, the amendment dated 30.10.2015 to Rule 8.21 (b) is to be treated as non-existent so as to grant any benefit to any employee qua the encashment of the unutilized leave.

13. Further, it has been brought to the notice of this Court that certain employees retired after the amendment dated 10.07.2017 and on the date when they retired, the said amendment was even otherwise enforceable which takes away their claim so as to apply Rule 8.21 (b) as amended on 30.10.2015.

14. Keeping in view the totality of the facts and circumstances, the claim of the petitioners for the grant of total unutilized leave pending in their kitty qua the employees who were granted extension in service and are governed by Rule 8.21 (b), based upon amendment to the rule dated 30.10.2015 cannot be accepted and the same is accordingly rejected.

15. No other argument raised.

16. Keeping in view the above, no ground is made out for any interference by this Court and the present petitions are dismissed.”

3. In view of the above, there being no merit in the petition, the same is hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

27.05.2025

Hemant

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