



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

106

CWP-22115-2024

Date of Decision: 30.01.2025

RAMESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ram Darshan Yadav, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the order dated 07.11.2023 (Annexure P-8) passed by respondent No.3 - Civil Surgeon, Narnaul, District Mahendergarh (Haryana) denying the disbursement of leave encashment alongwith interest @ 24% per annum, the petitioner has approached this Court.

Learned counsel for the petitioner contends that the petitioner has retired as Superintendent from the office of respondent No.3 - Civil Surgeon, Narnaul, District Mahendergarh (Haryana) after attaining the age of superannuation. Counsel further contends that the on 27.06.2022, respondent No.3 wrote a letter to respondent No.2 for making payment of leave encashment to the petitioner for total earned leaves of 642 days acquired by the petitioner during his service tenure. However, the benefit of 300 days only has been given to the petitioner and no benefit of remaining 342 days has been given. Learned counsel further contends that the respondents did not sanction

the earned leave applied for by the petitioner, thus compelling the petitioner to work for the said duration; and as such, the benefit of leave encashment for the said period cannot be denied by the respondents.

On a specific question, learned counsel for the petitioner does not dispute that as per the instructions governing Death-cum-Retirement Gratuity (DCRG) benefits, leave encashment to a government employee is admissible for a maximum period of 300 days, which such benefit has already extended to the petitioner. He has also been confronted with the fact that at no point of time, the petitioner has approached this Court against non-sanctioning of his earned leave.

Under the given circumstances, merely because the petitioner contends that the respondent No.3 – Civil Surgeon, Narnaul did not sanction earned leave as and when he applied for the same, and thus he would become entitled to the benefit on account of remaining unavailed earned leaves, the same cannot be accepted. There being no challenge to the statutory provision which restricts such benefit, I am constrained that even for the abovesaid reason, the prayer made in the present petition cannot be granted.

Accordingly, finding no illegality or perversity in the order passed by the Civil Surgeon, Narnaul, the present petition is hereby dismissed in *limine*.

JANUARY 30, 2025.

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**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No