IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19884 of 2026

Decided on: 4th November, 2026

Nar Dass **.....Petitioner**

Versus

Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishvavidyalaya Palampur and another **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Radhey Shyam Gautam, Advocate.

For the Respondents: Mr. Prince Chauhan, Advocate, for respondent No.1.

Ms. Menka Raj Chauhan, Deputy Advocate General, for respondent No.2.

Jyotsna Rewal Dua, Judge

Notice. Mr. Prince Chauhan, learned counsel and Ms. Menka Raj Chauhan, learned Deputy Advocate General, appear and waive service of notice on behalf of respondents No.1 and 2, respectively.

In view of the nature of reliefs prayed for by the petitioner and reliance placed upon ***Himachal Pradesh Agriculture University Pensioner's Sabha Vs. Chaudhary Sarwan Kumar H.P. Krishi***

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

Vishvavidyalaya[2], reply to the petition is not required to be called for.

2. With the consent of learned counsel for the parties, the matter is heard at this stage.

3. The petitioner joined services with the respondent-University on 26.11.1988 and now stands superannuated w.e.f. 30.04.2025. His grievance is that the respondent-University though computed and sanctioned the amount of leave encashment of 300 days un-utilized portion of earned leave payable in his favour, but the amount has not been released in his favour till date despite representation of the petitioner. The substantive reliefs claimed by the petitioner read as under: -

> *"i) That the action of the respondent University in not making the payment of due and admissible amount of Leave encashment in favour of the petitioner may be quashed and set aside while issuing writ in the nature of Certiorari.*
> *ii) That the respondent University may be directed to pay the due and admissible amount of leave encashment of 300 days as sanctioned vide annexure P-2 to the petitioner along with interest @ 9% from the due date till actual payment while issuing writ in the nature of mandamus.*
> *iii) That the respondent No.2 may be directed to release the funds to the University for liquidating the liability towards payment of arrears of Leave Encashment to the petitioner."*

4. Learned counsel for the parties are *ad-idem* that the reliefs claimed for by the petitioner have already been

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[2] CWP No.10878/2025, decided on 23.07.2025

adjudicated in ***Himachal Pradesh Agriculture University Pensioner's Sabha***[2]. Operative portion of the said decision reads as under:-

> *"5. In view of above, impugned order dated 25.03.2025 (Annexure P-8) holding that release of remaining amount of leave encashment due to the members of petitioner's Society shall be considered as and when additional funds are received, is quashed and set aside. Respondents are directed to release the admissible leave encashment due to the members of the petitioner's Society within six weeks from today, failing which, the amount shall carry interest @ 5% per annum from the actual due date. Pending miscellaneous application(s), if any, shall also stand disposed of."*

5. In view of above submissions, this writ petition is disposed of with direction to the respondents to release the admissible leave encashment due to the petitioner within six weeks from today, failing which, the amount shall carry interest @ 5% per annum from the actual due date.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 04, 2026
Mukesh