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

**CWP-615-2021(O&M)
Date of decision : 07.04.2026**

Jai Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. R.N. Lohan, Advocate for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of certiorari for quashing the order dated 11.02.2020 (Annexure P-2) passed by respondent No.3, whereby the claim of the petitioner for grant of leave encashment was rejected on the ground that the petitioner has been dismissed from service.

2. The brief facts of the case are that the petitioner was recruited in the Haryana Police on 17.08.1972. It transpires that FIR No.142 dated 26.06.2008 was registered against the petitioner under Sections 376(2)(a)(ii) of the Indian Penal Code, 1860 at Police Station Nissing, District Karnal. Pursuant to the registration of the said FIR, the petitioner was dismissed from service vide order dated 27.06.2008



(Annexure P-1) by invoking Article 311(2)(b) of the Constitution of India. In the aforesaid FIR, the petitioner was subsequently convicted by the competent Court and sentenced to undergo rigorous imprisonment for life along with a fine of Rs.20,000/-. The petitioner was, however, released prematurely on 03.09.2019 from District Prison, Karnal, in pursuance of order dated 14.08.2019 passed by the Additional Chief Secretary to Government of Haryana, Jail Department. Upon his release, the petitioner submitted a representation dated 21.11.2019 seeking release of leave encashment and welfare fund. The said representation was duly forwarded and considered by the respondents; however, respondent No.3, vide order dated 11.02.2020 (Annexure P-2), rejected the claim of the petitioner for grant of leave encashment. Aggrieved against the said order, the petitioner has approached this Court by way of the present writ petition.

3. Learned counsel appearing for the petitioner submits that a perusal of the impugned order dated 11.02.2020 (Annexure P-2) would show that the claim has been declined on the basis of Rule 68 of the Haryana Civil Services (Leave) Rules, 2016 (hereinafter referred to as “the Rules of 2016”). He submits that since the petitioner was dismissed from service vide order dated 27.06.2008 (Annexure P-1), the Rules of 2016, having been notified only on 19.07.2016, would not be applicable to his case. He submits that rules applicable at the time of dismissal of petitioner from service has to be taken into consideration for the purpose of grant of leave encashment, as such, the



impugned order dated 11.02.2020 (Annexure P-2) is liable to be set aside.

4. On the other hand, learned State counsel submits that even for the sake of arguments, if it is presumed that the Rules of 2016 are not applicable, even then the petitioner would still not be entitled to leave encashment even as per the rules in force at the time of his dismissal i.e. the Punjab Civil Services Rules as applicable to the State of Haryana. He further submits that as per the relevant rules, a dismissed employee is not entitled to the benefit of leave encashment. Reliance has been placed upon the judgment of a Co-ordinate Bench in **CWP No.3843 of 2019 titled Ram Kumar Ranga vs. State of Haryana and others, decided on 15.07.2019.**

5. I have heard learned counsel for the parties at length and perused the paper-book along with records.

6. A perusal of the facts of the case would show that there is no dispute that the petitioner was dismissed from service vide order dated 27.06.2008 (Annexure P-1). It is also not in dispute that the Rules of 2016 came into force with effect from 19.07.2016. In such circumstances, the said Rules, being prospective in nature could not have been applied to the case of the petitioner for denying the benefit of leave encashment.

7. In view of the above, the impugned order dated 11.02.2020 (Annexure P-2) is hereby quashed. The respondents are directed to reconsider the case of the petitioner for grant of leave encashment by applying the rules which were in force when the



petitioner was dismissed from service i.e. on 27.06.2008 (Annexure P-1), and to pass a fresh order in accordance with law within a period of two months from the date of receipt of a certified copy of this order.

8. The present writ petition stands disposed of in the aforesaid terms.

9. Pending application(s), if any, shall also stand(s) disposed of.

07.04.2026

(DEEPINDER SINGH NALWA)
JUDGE

d.gulati

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