
(2020) 01 P&H CK 0218

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 20928 Of 2014, 1196 Of 2020

Dr. S.S. Bari And Others

APPELLANT

Vs

Punjab University And Others

RESPONDENT

Date of Decision : 23-01-2020

Acts Referred:

Citation : (2020) 01 P&H CK 0218

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Sameer Sachdeva, Alka Chatrath, Shivoy Dhir

Final Decision : Disposed Of

Judgement

Harsimran Singh Sethi, J

By this common order, both the writ petitions details of which have been given in the heading of this order, are being decided as both the writ petitions involve the same question of law and similar facts. For the purpose of the present order, the facts are being taken from CWP No.20928 of 2014.

In the present writ petition, the grievance, which is being raised by the petitioners is that the petitioners are entitled of leave encashment for 300 days but as per the Panjab University Calendar, the leave encashment was only available up to 180 days. The prayer is for issuance of appropriate direction to the respondents, so as to enable the employees to avail the benefit of leave encashment up to 300 days.

Learned counsel appearing on behalf of the Panjab University states that the Panjab University was extending the benefit of leave encashment up to 300 days, but the Audit Department of the Panjab University raised an objection that till a proper amendment is carried out in the Panjab University Calendar, employees will not be entitled for the said benefit.

On the last date of hearing, following order was passed:

"Counsel for Union of India prays for more time regarding the decision which is to be taken by the Ministry as per the affidavit dated 25.04.2019 which reads as under:-

"That at present, no decision has been taken by the Ministry so far and the matter is still being examined in consultation with Integrated Finance Division of this Ministry and it will take more time as now Model Code of Conduct has been implicated due to Lok Sabha elections." Accordingly, it is expected that the Union of India will take a call on the issue re. entitlement of 300 days of leave encashment for the teaching staff, at the earliest. Let the status report be filed regarding this aspect on or before the next date. Adjourned to 23.01.2020."

Today, learned counsel appearing on behalf of Union of India states that he has received a communication dated 08.01.2020 from the Deputy Secretary to the Government of India, Ministry of Human Resources Development, Department of Higher Education, wherein, he has been informed that the suitable amendment to the Panjab University Calendar has been approved by the Ministry and the amended Clause in the University Calendar will be read as under:

"UGC Regulations in this regard shall be followed. The said clause shall be amended as follows:

"Earned leave at the credit of a teacher shall not accumulate beyond 300 days. The maximum period of earned leave that may be sanctioned at a time shall not exceed 60 days. Earned leave exceeding 60 days may, however, be sanctioned in the case of higher study, or training, or leave with medical certificate, or when the entire leave, or a portion thereof, is spent outside India."

As per the said intimation, the Panjab University has already been informed by the Ministry on 12.12.2019.

Learned counsel for the petitioners states that keeping in view the said decision of the Government of India by which the claim of the petitioners stands accepted, no further orders are required to be passed except a direction to the Panjab University to consider the claim of the petitioners for the grant of leave encashment, keeping in view the amended provisions and release the consequential benefits to the petitioners for which they have now become entitled.

Learned counsel for the Panjab University states that the claim of the petitioners for the grant of leave encashment will be considered, keeping in view the decision of the Government of India as conveyed, vide letter dated 12.12.2019 and appropriate relief for which the petitioners are found entitled, will be released within a period of three months from the date of receipt of certified copy of this order.

Keeping in view the undertaking given by learned counsel for the Panjab University, no further orders are required to be passed in the both the writ petitions, as the same have been rendered infructuous and are disposed of

accordingly.