

WP(C) 3797/2015

BEFORE

THE HON'BLE MR JUSTICE T. VAIPHEI

Heard Mr. D.P. Chaliha, the learned Sr. counsel assisted by Mr UP Chalha, learned counsel for the petitioners. Also heard Mr. D. Chetia, the learned Standing Counsel, Elementary Education Department.

2. The brief facts of the case is that the petitioners are retired Head Masters and that they belong to the vacation department. At the time of the petitioners retirement, leave encashment was entitled to the petitioner No. 1 for a period of 196 days and petitioner No. 2 for a period of 165 days.

3. The petitioners submit that they are entitled to 196 and 165 days of leave encashment benefits for the unutilized earned leave. The counsel for the petitioners also submits that persons of the vacation department are entitled to 300 days leave encashment benefits as held by this Court in various writ petitions, namely, WP(C) No.4059/2005, WP(C) No. 9851/2003, WP(C) No. 7838/2013, WP(C) No. 102/2014 and WP(C) No. 1677/2014.

4. Mr. D. Chetia, learned counsel for the respondents agrees with the counsel for the petitioners and submits that the above mentioned cases cover the case of the present petitioners.

5. In view of the submissions of the learned counsels for the parties, this writ petition is disposed of in line with the orders passed in WP(C) No. 4059/2015, WP(C) No. 9851/2003, WP(C) No. 7838/2013, WP(C) No. 102/2014 and WP(C) No. 1677/2014. The respondents shall examine the case of the petitioners and if they have unutilised earned leave of 196 and 165 days, the said leave encashment amount for 196 and 165 days should be paid to the petitioners in terms of the judgments of this Court mentioned in the above cases.

6. The entire exercise should be completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed off with the above observations and directions.