

Court No. - 33

Case :- WRIT - A No. - 17394 of 2023

Petitioner :- Smt. Sarla

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shravana Kumar Yadav

Counsel for Respondent :- C.S.C., Atul Tej Kulshrestha

Hon'ble J.J. Munir,J.

Heard the learned Counsel for the petitioner and Mr. Atul Tej Kulshrestha, learned Counsel appearing on behalf of the Nagar Palika Parishad.

In compliance with the order dated 21.11.2023, a short counter affidavit has been filed wherein in paragraph nos. 2, 3, 4, 5 and 6, it is averred:

“2. That the petitioner has filed the present writ petition before this Hon'ble Court with the prayer that the Executive Officer, Nagar Palika Parihsad, Muzaffar Nagar to make the payment of Rs. 1,40,385/- of leave encashment amount and interest for late payment.

3. That it is relevant to mention here that as per the instruction received from the office and by perusal of the record it is clear that the petitioner has already received the Cheque No. 125453 dated 15.06.2012 State Bank of India of amount of Rs. Rs. 1,40,385/-.

4. That it is also relevant to mention here that the abve noted Cheque No. 125453 dated 15.06.2012 issued by the Nagar Palika Parishad, Muzaffar Nagar was submitted by the petitioner in her Account No. 711001010013050 Branch Court Road, Bank of Baroda, District Muzaffar Nagar and the same amount of Rs. 1,40,385/- was credited in her Account on 21.06.2012. The Photostat copy of Cheque dated 15.06.2012 is being filed herewith and marked as **ANNEXURE NO. S.C.A.1** to this affidavit.

5. That it is also relevant to mention here that the amount of Rs. 1,40,000/- was withdraw by the petitioner on 22.06.2012.

6. That it is also relevant to mention here that the payment of leave encashment was already received by the petitioner in her account and same was also withdrawn on 22.06.2012, even though the petitioner has filed the present writ petition before this Hon'ble

Court, just to harass the Officer of the Nagar Palika Parishad."

There is nothing that the learned Counsel for the petitioner has indicated to show that a sum of Rs. 1,40,000/-, which he claims towards dues on account of leave encashment, has not been paid to him. The respondents have annexed a copy of the cheque worth Rs. 1,40,385/- drawn in the petitioner's name and has also shown the credit record from the Bank of Baroda showing credit of the said sum in the petitioner's account.

In this view of the matter, there is no basis to the claim urged in this petition.

It is, accordingly, **dismissed**.

Order Date :- 4.12.2023

Prashant D.