

Court No. - 34

Case :- WRIT - A No. - 17823 of 2023

Petitioner :- Mridul Malviya

Respondent :- Iti Limited And 4 Others

Counsel for Petitioner :- Niraj Kumar Singh

Counsel for Respondent :- A.S.G.I.,Arvind Nath
Agrawal,Gopal Misra

Hon'ble Ajit Kumar,J.

1. Heard learned counsel for the parties.
2. By means of this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for payment of leave encashment and Leave Travel Concession (LTC) allowance.
3. Petitioner claims to have retired on 30.06.2022 and yet his dues have remained unpaid.
4. Learned counsel appearing for respondent nos.1 to 4 states that due to financial constraints, these two dues could not be paid whereas the other dues have already come to be paid to the petitioner. He however submits that given respite for few months, the respondents will be clearing the leave encashment as well as Leave Travel Concession (LTC) allowance whatever is due to be paid to the petitioner.
5. Learned counsel for the petitioner in reply submits that financial constraints cannot itself be a ground to withhold the respective allowances.
6. Accordingly, the Court is of the considered view that whatever the amount is due could only be paid in the event requisite funds are there but in any circumstance, respondents cannot be permitted to withhold the dues in perpetuity.
7. In view of the above, this petition stands ***disposed of*** at this stage with direction that entire outstanding dues of the petitioner regarding leave encashment and Leave Travel Concession (LTC) allowance shall be paid to him within a

period of four months from today or in any case by 06.03.2024 failing which petitioner shall be entitled to the interest @ 8% over and above such delayed payment from the date the amount had become due till the actual payment is made.

Order Date :- 6.11.2023

Deepika