

Court No. - 7

Case :- WRIT - A No. - 7955 of 2023

Petitioner :- Ravi Prakash Mishra

Respondent :- Union Of India Thru. Secy. Ministry Of Communication
New Delhi And 2 Others

Counsel for Petitioner :- Deo Prakash Srivastava

Counsel for Respondent :- A.S.G.I., Dwijendra Mishra

Hon'ble Abdul Moin, J.

1. Heard learned Counsel for the petitioner, Shri Anand Dwivedi, learned Counsel for Union of India and Shri Rajnish Mishra, Advocate, holding brief of Shri Dwijendra Mishra, learned Counsel for the opposite parties no.2 and 3.
2. With the consent of learned counsel for the parties, the writ petition is being finally decided.
3. The instant writ petition has been filed praying for a writ of mandamus commanding the respondents to pay the privileged leave encashment with admissible interest to the petitioner.
4. The contention of learned counsel for the petitioner is despite the petitioner having retired on 31.07.2020 the leave encashment has still not been paid to him till date.
5. On the other hand, Shri Rajnish Mishra, learned counsel for the respondents no. 2 and 3 argues that earlier the petitioner had approached this Court alongwith other persons by filing Writ A No. 1231 of 2022 in re: Chandra Mauli Kumar Dwivedi and others vs Union of India and others and this Court vide the order dated 07.03.2022, a copy of which is annexure 2 to the petition, had granted benefit of an earlier judgement passed in Writ A No. 261 of 2022 in re: Prashant Kumar and others vs Union of India and others decided on 20.01.2022. It is thus contended that the petitioner having earlier approached this Court cannot now approach this Court again for same relief.
6. Responding to that, the contention of learned counsel for the respondents is that this Court while deciding the earlier writ petition in the case of Chandra Mauli Kumar Dwivedi (supra) had provided that in case the leave encashment is not made to the eligible persons including the petitioners then the petitioner shall be entitled to approach this Court again and consequently the petitioner has again approached this Court praying for payment of the privileged leave encashment as the said amount was not paid.
7. Considering the aforesaid, more particularly when this Court

in the case of Chandra Mauli Kumar Dwivedi (supra) had granted liberty to the petitioner to approach this Court in case encashment has not been made and admittedly the petitioner has retired way back on 31.03.2021 consequently there cannot be any occasion for the respondents to withhold the privileged leave encashment of the petitioner.

8. Considering the aforesaid, the writ petition is **disposed of** with the direction to the opposite party no.3 to look into the matter, verify the facts and take a decision as regards payment of privilege leave encashment to the petitioner within two months from the date a copy of this order is submitted. Needless to say that if any interest is payable on the said amount, the same shall also be paid as per rules.

Order Date :- 13.10.2023

J.K. Dinkar