

Court No. - 20

Case :- WRIT - A No. - 8002 of 2023

Petitioner :- Vir Pal Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Vocational Edu. And Skill Development Lko. And 2 Others

Counsel for Petitioner :- Utsav Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.
2. Petition has been filed seeking a direction to opposite parties for payment of Earned Leave Encashment along with interest with effect from date petitioner superannuated on 31.03.2022.
3. It has been submitted that at the time when petitioner was posted as Officer on Special Duty on deputation in the Greater NOIDA Industrial Development Authority with additional charge of Yamuna Expressway Industrial Development Authority, an enquiry was held with regard to compensation paid in lieu of acquisition and first information reports were lodged in which charge sheet and supplementary charge sheets were filed in which petitioner was not named. It is submitted that subsequently, the entire matter was referred to the Central Bureau of Investigation with re-registration of F.I.R. on 24.12.2019 and in which supplementary charge sheet dated 23.12.2021 was filed wherein for the first time, petitioner was named. It is submitted that in the meantime, petitioner superannuated on 31.03.2022 but to his best knowledge, no cognizance has been taken by the court concerned with regard to supplementary charge sheet. It has been further submitted that proceedings by the Central Bureau of Investigation with regard to the same F.I.R. have already been stayed by Hon'ble the Supreme Court in Petition for Special Leave to Appeal

(Crl.) No.390/2023 (Gaurav Kumar v. State of U.P. & ors.)

4. In view of aforesaid, learned counsel for petitioner has submitted that since as on date of superannuation, there was neither any departmental nor judicial proceedings pending against petitioner, he is entitled for payment of Earned Leave Encashment particularly in view of fact that other post-retiral benefits have already been paid to him.

5. For the said grievance, petitioner has already submitted a representation but seeks liberty to file a fresh representation before the authority concerned. At present, learned counsel for petitioner restricts prayer with regard to final decision on the same.

6. Considering the innocuous prayer, without entering into merits, liberty is granted to petitioner to file a fresh representation before opposite party no.2 i.e. Principal Secretary, Department of Vocational Education and Skill Development U.P., Lucknow who shall consider and decide the same within a period of eight weeks from the date a certified copy of this order is produced before the said authority along with fresh representation.

7. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 13.10.2023

kvg/-