Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 814 of 2023

Appellant :- U.P. Forest Corporation Lko. Thru. Managing Director And Others
Respondent :- Jitendra Kandwal And Another
Counsel for Appellant :- Krishana Kumar Singh
Counsel for Respondent :- C.S.C.

Hon'ble Attau Rahman Masoodi,J.
Hon'ble Om Prakash Shukla,J.

C.M.A. No.1 of 2023

1. Having regard to the averments made in the affidavit filed in support of the application seeking condonation of delay, we are satisfied that the delay has sufficiently been explained.

2. Accordingly, the application is allowed and delay in filing the special appeal is hereby condoned.

Order on Memo of Appeal

3. Learned counsel for the appellants has argued that he does not wish to press this Special Appeal beyond the direction issued by the Writ Court for payment of 8% interest on the amount due.

4. Learned counsel representing the respondent, after arguing at some length, has stated that in case the amount of leave encashment payable to the respondent is paid in its entirety, within a period of three months from today, the respondent in that event shall not claim the benefit of interest as ordered by the Writ Court.

5. Therefore, the present Special Appeal is **disposed of** with the direction that the appellants shall make entire payment of leave encashment admissible to the respondent within a period of three months, failing which the interest @ 8% as ordered by the

Writ Court shall be paid. In case the amount is paid within the specified period of three months as provided herein above, the respondent shall not be entitled to the component of interest @ 8%.

6. Both the parties have conceded to honour the agreed condition as full and final as per the aforesaid statement.

(Om Prakash Shukla, J.) **(Attau Rahman Masoodi, J.)**

Order Date :- 18.10.2023
Anand Sri./-

Digitally signed by :-
ANAND KUMAR SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench