

Court No. - 1

Case :- SPECIAL APPEAL No. - 497 of 2023

Appellant :- Pradeshik Cooperative Dairy Federation Ltd. Lko. Thru.
Chairman

Respondent :- Ata Husain Rizvi And Others

Counsel for Appellant :- Lalit Shukla

Counsel for Respondent :- Nirbhay Kumar Singh

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Shri Nirbhay Kumar Singh, Advocate, has filed his Vakalatnama on behalf of respondent no.1, which is taken on record.
2. Heard Shri Lalit Shukla, learned Counsel for the appellant and Shri Nirbhay Kumar Singh, learned Counsel for the respondent no.1.
3. This *intra-court* appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 has assailed the judgment/order dated 26.09.2023 passed by the Writ Court in Writ-A No.7243 of 2023.
4. The challenge to the impugned judgment/order dated 26.09.2023 is confined to the interest component on the amount due against leave encashment payment whereof was delayed.
5. It is to be noted that the respondent no.1 retired on 31.07.2010 and had earned leave encashment. The amount of leave encashment was released in a phased manner on account of some audit objection and in this manner there was an inordinate delay in making the payment.
6. Once the principle amount has been paid to the respondent no.1, there is no reason as to why delayed payment may not be compensated at the rate of 7% per annum ordered by the Writ

Court. Moreover, the delay is not attributable to anything done by the respondent and was a procedural formality to be expedited by the employer alone.

7. We see no good reason to interfere in the present special appeal, the same is hereby **dismissed**.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 18.10.2023

Anand Sri./-