

Court No. - 7

Case :- WRIT - A No. - 9022 of 2023

Petitioner :- Virendra Kumar Singh

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

Counsel for Petitioner :- Pradeep Kumar Tripathi

Counsel for Respondent :- C.S.C.,Shanker Lal

Hon'ble Abdul Moin,J.

1. Vakalatnama filed by Sri Pankaj Patel, learned counsel, on behalf of respondents no.2 and 3 is taken on record.
2. The present petition has been filed by the petitioner alleging that leave encashment of Rs. 6,01,820/- should be paid to the petitioner along with interest which has not been paid.
3. Sri Pankaj Patel, learned Counsel appearing on behalf of the respondents no.2 and 3 argues that the said amount has not been paid on account of the fact that an inquiry has been instituted. which is pending.
4. It is well settled that the petitioner after retirement cannot be subjected to an inquiry in case there is no provision to hold inquiry after retirement. In any case, there is no provision under which the respondents can take shelter of in not paying the leave encashment of Rs. 6,01,820/-. Merely because an inquiry is pending does not confer any right under any Act or Rules to deny the payment of leave encashment to which the petitioner is entitled, as such, the present petition is **disposed off** directing the respondents to pay the amount of Rs. 6,01,820/- along with 7% interest per annum from the due date till actual payment/ realization within a period of three months from today.
5. This Court is not going into the argument that an inquiry has been instituted by the respondents at this stage.
6. At this stage, Sri Pankaj Patel, learned counsel for the respondents, argues that there is no provision for payment of interest on delayed payment of retiral dues.
7. The aforesaid argument of learned counsel for the respondents is patently fallacious inasmuch as it is settled proposition of law that where retiral dues have been paid belatedly for no fault of the employee concerned then interest

would be admissible on the said dues (See: **Special Appeal Defective No.10 of 2015 in re: Shiv Shankar Mishra vs. State of U.P. and 3 others, decided on 15.01.2015**).

Order Date :- 22.11.2023

A. Katiyar