

Court No. - 7

Case :- WRIT - A No. - 9072 of 2023

Petitioner :- Rakesh Chandra Rastogi

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, Sri Anand Dwivedi, learned counsel for respondent no.1, and Sri Nischal Jagdhari, learned counsel, who files Vakalatnama on behalf of respondents no.2 and 3.

2. With the consent of learned counsel for the parties, the writ petition is being decided finally.

3. Instant petition has been filed praying for a mandamus commanding the respondents to pay the privilege leave encashment with admissible interest to the petitioner.

4. The contention of learned counsel for the petitioner is that despite the petitioner having retired on 31.08.2020 the privilege leave encashment has still not been paid and hence the petition.

5. Responding to that, Sri Nischal Jagdhari, learned counsel for respondents no.2 and 3, states that on account of grave financial crisis with which ITI is seized the dues could not be paid. However, he states that the admitted dues towards privilege leave encashment would positively be paid within two months from today.

6. The aforesaid statement of Sri Nischal Jagdhari, learned counsel for respondents no.2 and 3 is recorded and the writ petition is disposed of.

7. It is also provided that as the dues are sought to be paid after a period of more than three years consequently while making the payment the respondents shall also consider payment of interest on the delayed payment of dues which delay has not arisen on account of any lapse or fault on the part of the petitioner inasmuch as lack of finances cannot be considered to be a reasonable ground for non-payment of the retiral dues to an employee.

Order Date :- 24.11.2023

A. Katiyar