

**Court No. - 7**

**Case :-** WRIT - A No. - 9545 of 2023

**Petitioner :-** Smt. Beena Singh And Another

**Respondent :-** State Of U.P. Thru. Prin. Secy. Dairy Development Deptt.  
Lko And 3 Others

**Counsel for Petitioner :-** Pradeep Kumar Tripathi

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

**Hon'ble Abdul Moin,J.**

1. Heard learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the State-respondents and Sri Pankaj Patel, Advocate who has filed his Vakalatanam today in Court on behalf of the respondents no. 2 & 3.

2. With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.

3. Present petition has been filed alleging that the petitioner's husband has retired on 31.10.2017, however, the leave encashment to which the petitioner is entitled has not been paid mainly on the ground of pending audit objection and claims that the same should be paid alongwith interest. It is argued that there is no provision for withholding the leave encashment; the action of the respondents is wholly arbitrary and illegal and the petitioner deserves the said amount along with interest thereon.

4. Learned counsel for the respondent argues that the petitioner's husband has retired in the year 2017. He further argues that there is no provision for claim of interest on delayed payment of leave encashment.

5. Considering the submissions made at the Bar, no proceedings in the rules could be shown as to under what provision, the leave encashment can be withheld after his retirement. Accordingly, the withholding of leave encashment is also arbitrary and illegal.

6. The writ petition is disposed off directing the respondent no.3 to ensure the payment of leave encashment to which the petitioner is entitled within a period of three months from today. Along with the said amount, the interest @ 7% per annum from the date of retirement till actual payment / realization shall also been paid by the respondent no.3 within the time granted.

**Order Date :-** 15.12.2023

Pachhere/-