IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.9159 of 2015 (O&M)

Date of decision : 07.09.2015

Union of India and others

.....Petitioners

Versus

The Central Administrative Tribunal, Chandigarh Bench, Chandigarh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE M. JEYAPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.P.C.Goyal, Advocate
for the petitioners.

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M.JEYAPAUL, J.

CM No.11444-CWP of 2015

As directed by this Court by virtue of the order dated 11.05.2015, the present affidavit has been filed disclosing certain facts we wanted to verify from the writ petitioners. Therefore, the application stands allowed and the additional affidavit is permitted to be taken on record.

CWP No. 9159 of 2015

The grievance of the 2nd respondent Jit Singh Gill was that he was not permitted to avail leave encashment facility by the writ petitioners in spite of the fact that such facility was extended to other co-employees who were also similarly situated inasmuch as they were also facing the same criminal prosecution.

By virtue of the order dated 11.05.2015, this Court

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directed the writ petitioners to verify and file an additional affidavit disclosing whether the co-employees who were also facing the criminal prosecution along with respondent no. 2 were permitted to encash the leave.

The writ petitioners filed an additional affidavit as directed by this Court disclosing the fact that the other co-employees who were facing criminal prosecution alongwith 2nd respondent herein, were infact permitted to avail leave encashment. Whereas 2nd respondent was not permitted to avail encashment of his leave.

Of-course, learned counsel appearing for the writ petitioners would submit that there is no provision to pay interest on delayed payment towards leave encashment.

The fact remains that the co-employees who also stood on the same footing were extended the facility of availing leave encashment by the writ petitioners. It is only the 2nd respondent who had been singled out and discriminated in the matter of availing his right to encash leave on the ground that he was facing criminal prosecution. Inasmuch as there was no fault on the part of 2nd respondent in the matter of availing his right to leave encashment and the leave encashment facility was not extended to the 2nd respondent only on account of the discriminatory practice adhered to by the writ petitioners, we are of the view that the writ petitioners will have to necessarily pay interest for the delayed payment towards leave

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encashment as ordered by the Tribunal.

Therefore, we find that there is no error in the impugned order passed by the Tribunal.

Writ petition stands dismissed.

(M.JEYAPAUL)
(JUDGE)

(DARSHAN SINGH)
JUDGE

September 07, 2015

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