

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 561 of 2016**

1. The Principal, D.P.Vipra College Old High Court Road, Bilaspur, District Bilaspur, (Chhattisgarh)
2. The Governing Body, Through The Secretary, Governing Body, D.P. Vipra College, Old High Court Road, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Appellants**Versus**

1. State Of Chhattisgarh Through: Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. The Commissioner, Department Of Higher Education, Block- C, 3rd Floor, Indravati Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Dr. R. G. Yadav, Retired Librarian, D.P.Vipra College, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

For Appellant	: Shri Sudeep Agrawal, Advocate.
For Respondent/State	: Shri Arun Sao, Deputy Advocate General.
For Respondent No.3	: Shri Anurag Dayal Shrivastava, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order on Board**Per Deepak Gupta, Chief Justice****20/12/2016**

1. We are, at this stage, not going into the office objection with regard to the maintainability of the writ appeal. But on merits, on perusal of page-76 of the document filed by the Appellant in the writ appeal itself, we find that in the balance sheet as on 31.3.2015, it had Fixed Deposits in excess of Rs.1.80 Crores. It had give loans of more than Rs.45 Lacs and advance to a contractor more than Rs.15 Lacs, therefore, these itself works out to more than Rs.2 Crores. Such an institution cannot claim that it is not in a position to pay leave encasement of about Rs.10 Lacs which is admittedly payable to the employee.

2. We find no merit in the appeal, it is accordingly dismissed.

3. However, we extend the time for making deposit upto 10.1.2017. Once the deposit is made then the College may approach the State for refund of that portion of the amount which the State is liable to pay as per Rules. We hope and expect that the State reimburse the same to the College within a period of two months thereafter.

Sd/-

(Deepak Gupta)
Chief Justice

Sd/-

(Sanjay Agrawal)
Judge

Anu