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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 786/2016

DEEPAK SAPRA

..... Petitioner

Through Mr. K. G. Mishra, Advocate.

versus

PUNJAB NATIONAL BANK

..... Respondent

Through Mr. Rajesh Gautam, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

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01.02.2016

CM Appln. No.3403/2015

Exemption, as prayed for, is allowed, subject to all just exceptions.

This application is disposed off.

WP(C) No.786/2016

This petition impugns the late payment of leave encashment dues to the petitioner after his compulsory retirement on 22.12.2004. The said dues are stated to have disbursed to the petitioner only on 24.09.2015 pursuant to certain decision of this Court in LPA No.693/2013, titled as **Deepak Sapra v. Punjab National Bank**, decided on 18.09.2013, in respect whereof, the SLP moved by the respondent bank, being SLP(C) No.35937/2015, was also dismissed by the Supreme Court on 28.05.2015.

It appears that the petitioner has sent a notice to the bank on 28.09.2015 calling upon the bank to pay interest for the entire period that the same has remained unpaid.

Counsel for the petitioner states that his representation dated 28.09.2015, a copy whereof he has annexed to this petition, has failed to elicit any response.

Issue notice.

Mr. Rajesh Gautam, Advocate, accepts notice and states that without prejudice to the case of the bank, either in fact or in law, specially in view of the fact that he is not filing traverse to the same in these proceedings, the respondent will be willing to consider the aforesaid representation of the petitioner afresh and dispose off the same with the speaking order within eight weeks from today.

In response, counsel for the petitioner states that he is agreeable to this while reserving all his rights in case his client remains dissatisfied with the outcome for any reason.

Under the circumstances, and as agreed, the matter is disposed off with the direction to the respondent bank to duly consider the petitioner's aforesaid representation of 28.09.2015, and dispose off the same with a speaking order within 8 weeks. Of course, in case the petitioner remains dissatisfied, it will be open for him to take recourse to such proceedings as are available in law.

It is made clear that the merits of the matter have not been examined and no opinion has been expressed thereon one way or the other.

The petition is disposed off along with pending applications, if any.

SUDERSHAN KUMAR MISRA, J

FEBRUARY 01, 2016
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