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

\+ W.P.(C) 10674/2015

P.K. GIROTRA ..... Petitioner

Through: Mr. K.G. Mishra and Mr. Avmal Hotra, Advs.

versus

PUNJAB NATIONAL BANK ..... Respondent

Through: Mr. Rajesh Kr. Gautam, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

<u>O R D E R</u>

% **19.07.2016**

Mr. Rajesh Kr. Gautam, learned counsel for the respondent states that petitioner has been paid leave encashment for the leave due to the petitioner along with interest @ 10% per annum.

This aspect has been accepted and acknowledged by the learned counsel for the petitioner, who insists on payment of costs.

On this aspect, Mr. Rajesh Kr. Gautam, Adv. has drawn my attention to Para 4 and 5 of the counter-affidavit filed by the respondent, wherein following are the averments:-

> *"4. That, as per communication received from IBA vide their letter dated 27.11.2000, it was conveyed amongst the employees of the respondent Bank, vide HRD*

Division Circular No. 4 dated 18.01.2001 that the officers, whose services are terminated on account of imposition of compulsory retirement as a punishment, will not be entitled to the benefits of leave encashment. Subsequently, in terms of decision of Personnel Committee of IBA in meeting held on 30.04.2015, as per HRD Circular No. 688 dated 09.06.2015, it was conveyed that the officers and workmen whose services are terminated on account of penalty/punishment of "Compulsory Retirement" may be permitted the benefit of leave encashment. It was further conveyed that this will be applicable to those officers/workmen who are compulsorily retired as above on or after April 30. 2015. Thereafter, the matter regarding the leave encashment to employees who were imposed punishment of Compulsory Retirement between 27.11.2000 and 30.04.2015 was examined and it was decided that the employees who have been imposed punishment of compulsorily retirement between 27.11.2000 and 30.4.2015 will also be extended the benefit of encashment of Privilege Leave.

5. Since the punishment of compulsorily retirement was imposed upon the Petitioner by the Disciplinary Authority by order dated 28.12.2015, the Petitioner will also be extended the aforementioned benefit. The decision taken by the Respondent Bank in this regard has also been circulated to all Officers vide HRD Circular No. 730 dated 11.12.2015. A copy of said Circular dated 11.12.2015 is annexed herewith and marked as ANNEXURE R-1."

Noting the aforesaid position, the submission of learned counsel for the petitioner on cost is rejected.

As the reliefs prayed for have been granted by the respondent along with the interest, the petition is disposed of as having become infructuous.

V. KAMESWAR RAO, J

JULY 19, 2016/*jg*