

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No.828 of 2017

DATE:- 22-08-2017

Between:

The Chairman and the Managing Director,
UCO Bank, Kolkata and 4 others

..... APPELLANTS

AND

L.S.R.Murthy

.....RESPONDENT

COUNSEL FOR THE APPELLANT : Sri E.SAMBASI VA PRATAP

COUNSEL FOR RESPONDENT : Sri B.NALIN KUMAR

THE COURT MADE THE FOLLOWING:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT APPEAL No.828 of 2017

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal is filed against the order, dated 02.03.2017, in W.P.No.7541 of 2015, whereby the learned single Judge disposed of the writ petition, based on a letter addressed by the learned counsel for the respondent/writ petitioner.

A perusal of the impugned order shows that two issues which arose before the learned single Judge, namely, grant of pension and leave encashment (the 3rd issue of Traveling Allowance was stated to have been given up by the writ petitioner) were stated to be covered by two separate judgments, i.e., *Andhra Bank, Hyd. and others v. Y.Shivaji*¹, pertaining to leave encashment, and Order, dated 09.11.2016, in W.P.No.33775 of 2014 and batch, pertaining grant of pension.

The grievance of the appellants is that their counsel was not heard by the learned single Judge while disposing of the writ petition.

At the hearing, Mr.E.Sambasiva Pratap, learned counsel for the appellants, fairly conceded that as regards the aspect of leave encashment, the same is covered by a Division Bench judgment of this court in *Andhra Bank, Hyd. and others v. Y.Shivaji* (1 supra). He has however submitted that the quantum of amount payable by the appellants to the respondent would be sorted separately.

¹ 2017 (1) ALD 120 (DB)

With regard to pension, the learned counsel submitted that though the learned single Judge has held that a person who was compulsorily retired is entitled to payment of pension, a similar issue arising out of the judgment of the Calcutta High Court is pending before the Supreme Court in SLP (C) No.4115-4116/2017, and that the said judgment was stayed by the Supreme Court, by order, dated 13.02.2017.

Inasmuch as the fact of pendency of the case before the Supreme Court has not been placed before the learned single Judge, we feel it appropriate that the appellants are permitted to file a review petition, limited to the aspect of grant of pension.

The writ appeal to the extent of leave encashment is dismissed, subject to the right of the parties to work out the quantum of amount, receivable by the respondent separately. As regards the pension, the writ appeal is disposed of, subject to the liberty given to the appellants, as above. No order as to costs.

As a sequel to disposal of the writ appeal, WAMP.No.1624 of 2017, filed by the appellants, for interim relief, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 22.08.2017
Dsr