

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29158 OF 2016

ORDER:

The petitioner was appointed as Conductor on 22.12.1987 and he was removed from service on 01.06.2016. In the normal course, he would have retired on attaining age of superannuation by 30.04.2016. By virtue of the continuation of the disciplinary proceedings, he was retained in service. In that connection, the petitioner filed the present writ petition seeking retirement benefits like Leave Salary, SRBS and Subsistence Allowance, arrears from 17.03.2016 onwards and P.F. Arrears.

Learned standing counsel for the respondent Corporation submits that all the benefits were paid except leave encashment and subsistence allowance from the date of suspension on 05.04.2016 to the date of removal on 01.06.2016.

Sofar as leave encashment is concerned, this Court in W.A.No.640 of 2007, dated 13.04.2015, held that even a removed employee is also entitled for leave encashment as per Rule 50(B) of (Leave) Regulations of APSRTC. The said position decided by the Division Bench, which I am a party, is not disputed by the learned counsel for the respondent Corporation. Accordingly, the petitioner is entitled for leave encashment.

With regard to the subsistence allowance, when the petitioner was placed under suspension, he is entitled for subsistence allowance till the date of passing of final order on 01.06.2016. Admittedly, no subsistence allowance was paid to the petitioner. Hence, the petitioner is entitled for the subsistence allowance also.

The last point that is represented by the petitioner is with regard to payment of interest for the delayed payments of leave encashment and subsistence allowance. He relies on a decision of the Hon'ble Supreme

Court in **S.K.Dua vs. State of Haryana**¹. The present writ petition was filed in August, 2016 and in that also, he sought for payment of interest.

In view of the same, the writ petition is allowed in terms of the above order with regard to payment of leave encashment and also the subsistence allowance along with interest as held by the Supreme Court in **S.K.Dua's** case.

Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

29.11.2017
pln



¹ (2008) 3 SCC 44