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

+ **W.P.(C) 6507/2016**

MOOL CHAND SHARMA Petitioner

Through: Mr. Umesh Singh and Ms.
Karishma Singh, Advocates

versus

CENTRAL BANK OF INDIA AND ANR Respondents

Through: Mr. O.P. Gaggar, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **07.11.2017**

1. Petitioner's request for encashment of Privilege Leave on compulsory retirement stands declined by respondents vide impugned order of 4th April, 2016 (*Annexure-PP*) while stating that since petitioner has been compulsorily retired by way of punishment, so he is not eligible for encashment of Privilege Leave of 240 days.

2. Learned counsel for petitioner relies upon a Division Bench decision of this Court in *R.K.Jain Vs. Punjab National Bank* 2014(3) SCT 297 (Delhi) to submit that benefit of leave encashment has been already granted to another employee of respondent-Bank, who was compulsorily retired by respondent-Bank by way of punishment. Reliance is also placed upon earlier Division Bench decision of this Court in *Deepak Sapra Vs. Punjab National Bank*, 2013 SCC Online 3724 against which Special Leave Petition has been dismissed. It is pointed out by respondents' counsel that though the Special Leave Petition has been dismissed, but the question of law has been left open.

3. Be that as it may. This Court finds that in view of decision in *Deepak Sapra (supra)*, which has been followed by another Division Bench of this Court in *R.K.Jain (supra)*, impugned order denying benefit of leave encashment to petitioner cannot be sustained. Accordingly, impugned order of 4th April, 2016 (*Annexure-PP*) is set aside with direction to respondents to make the payment of leave encashment to petitioner within twelve weeks.

4. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 07, 2017

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