

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24687 OF 2014

Date: 19.09.2018

Between:

P.Shankar, occu: Ex-Traffic Inspector-III, E.No.71714,
APSRTC, Hyderabad-I Depot, R/o. 3-56, Ragannaguda
Colony, Hayathnagar, Ranga Reddy District.

.....Petitioner

and

Andhra Pradesh State Road Transport Corporation,
Rep.by its VC & MD,Musheerabad, Hyderabad and
another.

.....Respondents



The Court made the following:

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ORDER:

Admitted facts are, petitioner joined service as Conductor in respondent-Corporation on 05.10.1977 and his services were terminated on 08.02.2008. By the time of his termination, he was working as Traffic Inspector Grade-III. Petitioner is claiming encashment of Earned Leave accrued to him during the service rendered by him.

2. The claim of petitioner is opposed by respondents by placing reliance on Regulation 50(B) of Leave Regulations of A.P.S.R.T.C.

3. When the matter is taken up for consideration, learned counsel for petitioner placed reliance on the decision of Division Bench of this Court in Writ Appeal No.640 of 2007 dated 13.04.2015. The Division Bench upheld the decision of learned single Judge. According to the Division Bench, Regulation 50(B) does not prohibit the encashment of Earned Leave even if the employee was removed from service.

4. In view of the decision of Division Bench, the stand of respondents that petitioner is not entitled to claim encashment of Earned Leave accrued to him while he was in service is not valid. Writ Petition is accordingly allowed. Respondents are directed to sanction the amount towards earned leave accrued to the account of petitioner while he was discharging his duties and responsibilities in the respondent Corporation. The entire exercise shall be completed and amount due shall be released within a period of eight weeks from the date of receipt of copy of this order.

5. Learned counsel for petitioner claims that illegally encashment of earned leave is denied to the petitioner for no fault of him and, therefore, he is entitled to interest from the date of amount due till the date of payment. Said claim is opposed by the learned counsel for respondents contending that writ petition is filed after six years of retirement and there are clear latches.

6. Having regard to the law laid down by the Division Bench, employee is entitled to earned leave encashment as a matter of course even if he is removed from service and, therefore, petitioner was erroneously denied encashment when it was due. However, petitioner has not invoked the jurisdiction of this Court immediately after cause of action arose to him. Having regard to these aspects balancing the respective contentions, respondents are directed to pay interest at the rate of 6% p.a., on the amount due from the date of institution of writ petition till the date of payment. Pending miscellaneous petitions shall stand closed.

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