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

+ W.P.(C) 12732/2018

BALBIR SINGH

..... Petitioner

Through : Mr. Ravindra S. Garia, Advocate.

versus

B.S.E.S. YAMUNA POWER LTD. & ANR..... Respondents

Through : Mr. Sandeep Prabhakar, Mr. Amit Kumar, Advocates for R1.
Mr. N.K. Singh, Advocate for Ms. Avnish Ahlawat, Standing counsel for GNCTD (Services) for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **28.11.2018**

Vide the present writ petition, the petitioner seeks to quash the Communication ASVP (EHV-O&M) SE 57 dated 19.04.2018 & ASVP (EHV-O&M) SE 60 dated 15.05.2018 and, consequently, directing the respondents to treat the period w.e.f. 24.12.2017 to 25.03.2018 as the period spent on duty and pay full wages with interest for the period aforesaid to the petitioner.

Issue notice.

Learned counsel for respondents accepts notice and submits that vide a letter dated 17.04.2018, the petitioner was asked for the leave application w.e.f. 12.12.2017 to 25.03.2018 for leave regularization. He was asked to

provide the leave application for the said period on 18.03.2018 by 3 p.m., for process of salary by HR Department.

Pursuant to office letter No. 63 dated 29.06.2018, the petitioner has applied for the leave vide application dated 04.07.2018 whereby, he sought granting of extra ordinary leave, because, as stated by learned counsel for the petitioner, there are no leave left in his credit, therefore, suffice would be, if the respondents grant extra ordinary leave in favour of the petitioner.

Learned counsel appearing on behalf of respondents submits that whatever the leaves are due the petitioner, those, would be adjusted to the leave account of the petitioner and if, no leave, is due in favour of the petitioner, the extra ordinary leave would be granted, and the same would be compensated in future from the earned leave of the petitioner.

In view of above, the present writ petition is disposed of while directing the respondents to sanction the leave, if any, in the credit of the petitioner and if, there is no leave to his credit, grant him extra ordinary leave on receipt of appropriate leave application from the petitioner. It is made clear that in case there is no leave in the credit of petitioner then leave granted would be compensated by the petitioner in the future.

I hereby made it clear that the period w.e.f. 24.12.2017 to 25.03.2018 shall not come in any way in the career of the petitioner while in service.

With the above directions, the present writ petition is disposed of.

SURESH KUMAR KAIT, J

NOVEMBER 28, 2018

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