

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5498 of 2012**

- Radhey Shyam Singh, S/o Late Ram Sunder Singh, aged about 61 years, R/o B-211, Rama Green City, Khamtarai Road, District Bilaspur (C.G.) 495001

---- Petitioner**Versus**

1. South Eastern Coalfields Limited, through Chariman-cum-Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)
2. Director (Personnel), South Eastern Coalfields Limited, Seepat Road, Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate.
For Respondents	:	Shri H.B. Agrawal, Senior Advocate with Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Order on Board****08.03.2019**

1. Writ application was preferred by the Petitioner in the year 2012 since the Respondents – South Eastern Coalfields Limited (SECL) were not releasing his leave encashment of 256 days of Earned Leave and 300 days of Half Pay Leave which was according to the Petitioner due to him.
2. The Petitioner superannuated from the post of Director (Personnel), SECL, Bilaspur w.e.f. 31.07.2011.
3. For some reason or the other, this matter has not been heard and adjudicated upon. But now, it seems that there were certain reasons why the Respondent authorities had not released his Earned Leave. Petitioner was issued a major charge-sheet for the reasons of omission and commission which would be evident from the reading of the charge-sheet which is Annexure P/2. An enquiry was held which was a protracted affair because it seems that only on 24.05.2016, the Ministry of Coal passed an order imposing penalty of reduction to a lower stage in pay-scale by reducing the pay by 3% (equal to one annual increment) valid for one year till his date of retirement.

4. Be that as it may, whatever may have been the reason why the Respondent authorities did not release his Earned Leave soon after his superannuation. If there was a Departmental proceedings then may be things were put on hold subject to the final outcome and kind of punishment which could have visited the Petitioner.
5. Looking at the nature of the punishment which has been passed as well as the relevant rules governing issue of payment of Earned Leave to such employee since the Petitioner has not been punished by dismissal or removal, therefore, it is his entitlement to claim and beget Earned Leave to the extent which is due to him as per his service record.
6. Writ application is allowed. A direction is issued upon the Respondent-SECL to work out the Earned Leave and Half Pay Leave which are to the credit of the Petitioner within a period of eight weeks from the date of production of copy of this order and make necessary payments to him without further delay thereof.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice