

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10541 of 2019**

Sheshnarayan Vaishnav S/o Late Shri Bhagwat Das Vaishnav Aged About 65 Years Retired Forest Guard, Resident of Near Old Petrol Pump, Kasdol, Police Station Kasdol, District Balodabazar Bhatapara Chhattisgarh.

--- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Forest Department, Mantralaya, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. The Principal Chief Conservator of Forest Atal Nagar, New Raipur Chhattisgarh.
3. The Divisional Forest Officer Balodabazar, District Balodabazar Bhatapara Chhattisgarh.
4. The Joint Director Treasury, Accounts And Pension, Raipur, District Raipur Chhattisgarh.

--- **Respondents**

For the Petitioner : Mr. K.P. Sahu, Advocate

For the State/Respondents : Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-12-2019

Heard.

1. Learned counsel for the petitioner submits that the petitioner retired from service on 31.10.2016 and as per Rule 33 of Chhattisgarh Civil Service (Leave) Rules 2010, he was entitled to encash not exceeding 300 days, however, the surrender of leave and its encashment has been granted only for 67 days instead of 300 days which was maximum accumulated in his earned leave account and available to the petitioner.
2. Sub-Rule (1) of Rule 33 of Rules, 2019 would be relevant here and is reproduced here for the sake of reference :

“33. Leave preparatory to retirement – (1)

A government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 300 days together with half pay leave due, subject to condition that such leave extends upto and includes the date of retirement.”

3. The issue as has been raised is not clarified by Annexure P-2 as it only says that the petitioner was entitled to surrender and encash only 67 days whereas the petitioner has claimed that 300 days were available in his earned leave account, for which, he was entitled. The factual aspects are need to be clarified. Therefore, instead of keeping the petition pending, it would be appropriate to dispose of the same. Accordingly, it is directed that the petitioner may file representation before respondents no.3 claiming his earned leave encashment of 300 days within a period of 15 days from the date of receipt of the order and on such representation being filed, the same shall be considered and decided by respondent no.3 within a further period of 3 months by passing a reasoned order clarifying and showing the details as to how many days were accumulated in the earned leave account of the petitioner and how much leave, the petitioner was entitled for encashment. If the petitioner is aggrieved by such order, he shall have liberty to avail appropriate remedy to challenge the same.
4. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
GOUTAM BHADURI
JUDGE

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