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

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+ **LPA 39/2019**

N C GUPTA Appellant

Through: Mr Deepak Singh, Advocate.

versus

PUNJAB NATIONAL BANK & ORS. Respondents

Through: Mr Rajat Arora and Mr Murad Khan,
Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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21.01.2019

CM 2511/2019 (exemption)

1. Allowed, subject to all just exceptions.

CM 2512/2019 (delay)

2. For the reasons explained in the application, the delay in filing the appeal is condoned and the application is allowed.

LPA 39/2019

3. With the consent of both parties, the appeal is finally heard.

4. The learned Single Judge by the impugned judgment dated 8th October, 2018 dismissed the Appellant's W.P.(C) No.10665/2018 on the ground of

laches.

5. Admittedly, the above writ petition was on a limited aspect of the claim of the Appellant to be paid the encashment of the leave, standing to his credit on the date of his removal from service i.e. 23rd March, 2011. Despite noting that *qua* his removal from service, the Appellant had filed a separate writ petition being W.P.(C) No.2761/2012, which had been admitted and was pending final disposal, the learned Single Judge proceeded to dismiss the writ petition W.P.(C) No.10665/2018 on the ground of laches.

6. The Court is of the view that the question whether the Appellant was at all entitled to encashment of leave could have been examined along with the W.P.(C) No. 2761/2012 since the question of moulding the appropriate reliefs could have arisen if he succeeded in that writ petition.

7. While not expressing any view on the merits of either W.P.(C) No.2761/2012 or W.P.(C) No.10665/2018, and leaving open the contentions of the parties to be addressed on merits in both writ petitions, the Court sets aside the impugned order dated 8th October, 2018 and restores W.P.(C) No.10665/2018 along with the pending application to the file of the learned Single Judge.

8. The W.P.(C) No.10665/2018 and CM 41570/2018 will now be listed for directions, along with W.P.(C) No.2761/2012 before the learned Single Judge on 18th February, 2019. A date for final hearing of both the writ petitions will be fixed by the learned Single Judge and every endeavour made to dispose of the said writ petitions within a period of six months

thereafter.

9. The appeal is accordingly disposed of in above terms. No costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 21, 2019

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