

CWP-13861-2023

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2023:PHHC:166984

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-13861-2023

Date of decision : 05.09.2023

Ramesh Lal Chawla and others

...Petitioners

Vs.

Punjab Gramin Bank and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Dhiraj Chawla, Advocate
for the petitioners.

Mr. Bhushan Bhatia, Advocate
for the respondent-Bank.

DEEPAK MANCHANDA, J.(Oral)

1. In this writ petition, there are two sets of petitioners ie. Petitioner Nos. 1 to 5, who sought voluntary retirement from the respondent-Bank and were paid Leave encashment, which was subsequently ordered to be recovered. The other set of petitioner Nos. 6 to 8 although are similarly situated, but despite the same they were not released leave encashment by the respondent-Bank and withheld the same on the premise that matter with regard to admissibility of leave encashment to the Staff of Regional Rural Banks (RRBs), who are retiring from the services voluntarily and retired compulsorily, is pending for appropriate decision with the Department of Financial Services (DFS), Government of India.

2. An identical writ petition bearing CWP No. 103 of 2021 titled, "*Rajiv Soi Vs. Punjab Gramin Bank, Kapurthala and others*" wherein the petitioners therein was similarly situated as that of present petitioner Nos. 1 to

5, has also been listed today itself and stands allowed.

3. Likewise CWP No. 103 of 2021, the present petition is allowed qua petitioners nos. 1 to 5 and impugned recovery notice(s) are hereby quashed.

4. As regards the claim of the petitioners nos. 6 to 8, whose payment of leave encashment has been withheld merely on the pretext that decision in the matter is awaited is of no consequence and valid reason for withholding the same. Moreover, once the petitioner nos. 1 to 5 have been found entitled to refund of the erroneously deducted amount of the leave encashment, the action of the respondent-Bank in withholding the leave encashment of petitioner Nos. 6 to 8 is also not justified and the petition qua them for release of leave encashment is also allowed and they are found entitled for the payment of leave encashment. The action of the respondent-Bank in withholding the same not only amounts to discrimination, the same is illegal and arbitrary also.

5. Accordingly, respondents are directed to release the due payment of leave encashment to petitioners No. 6 to 8 along with interest @ 6% from the date(s), they are entitled for the payment of leave encashment amount.

6. In view of the above observation, the writ petition on behalf of all the petitioners no. 1 to 8 stands allowed.

7. For detailed discussions and observations see order of even date in CWP No. 103 of 2021.

(DEEPAK MANCHANDA)
JUDGE

05.09.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No