IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9985 of 2023

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Kameshwar Singh, Son of Shri Ram Janam Singh, resident of Mohallah- Magadh Colony, Road No. 1, House No. 777, P.O.- Gaya, P.S. - Magadh Medical College, Gaya.

... ... Petitioner/s

Versus

1. Canara Bank through its Managing Director and Chief Executive Officer, Having its Head Office, At 112 J.C. Road, Bangalore- 560002 (Karnataka).
2. Managing Director and Chief Executive Officer, Canara Bank, Having its Head Office At 112 J.C. Road, Bangalore- 560002 (Karnataka).
3. The Executive Director (HRD), Personnel Wing/H.R. Wing, Canara Bank, Having Its Head Office at 112 J.C. Road, Bangalore- 560002 (Karnataka).
4. The General Manager (HRD) Personnel Wing/H.R. Wing, Personnel Management Section, Canara Bank, Having its Head Office at 113/1, Jeevan Prakash Building, J.C. Road, Bangalore- 560002 (Karnataka).
5. The Deputy General Manager, Canara Bank, Circle Office, LAV Kush Tower, 3rd Floor, Post Box No. 195, Exhibition Road, Patna- 800001.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhirendra Singh, Advocate Mr. Jai Kishor Poddar, Advocate
For the Respondent/s	:	Mr. Siddharth Harsh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 11-01-2024

Heard Mr. Dhirendra Singh, learned counsel for the petitioner and Mr. Siddharth Harsh, learned counsel representing the Canara Bank.

2. The petitioner by filing the present writ petition under Article 226 of the Constitution of India seeking a direction upon the respondent Bank to pay interest at the rate of 18% compound per annum since 30.08.2009 till the date of

payment of the leave encashment amount of Rs.1,53,565.56 to the petitioner on 01.03.2023 in compliance to the order of this Court dated 19.01.2023 passed in C.W.J.C. No. 11954 of 2021.

3. From the materials available on record, it is manifest that the petitioner joined the services of the Bank as Clerk on 19.11.1978. While he was working at Swarajpuri, Gaya Branch as an officer, he was placed under suspension w.e.f. 20.09.2008 for contemplated disciplinary proceeding, regarding misappropriation of customers' money and fraudulent practices. A detailed enquiry was conducted in the matter, which was concluded holding the petitioner guilty of charges against him, as enumerated in the finding and finally the petitioner was inflicted with the punishment of compulsory retirement, vide order dated 18.08.2009 and the same was also affirmed by the Appellate Authority and Reviewing Authority vide order dated 22.03.2010 and 30.07.2010, respectively.

4. It is submitted on behalf of the respondent Bank that since the petitioner was inflicted with the punishment of compulsory retirement vide order dated 18.08.2009, the benefit of payment of leave encahsment could not be extended to him, as there was no statutory Rules or guidelines providing any leave encashment to the person, who inflicted with the

punishment of compulsory retirement. However, in the year 2015, the Indian Bank Association had taken a decision to extend the benefit of encahsment of Privilege Leave for "Compulsory Retired" employees/officers and the effective date was held to be 30.04.2015. Based on the Indian Bank Association guidelines issued in the year, 2015, the Board of Directors of the Bank vide order dated 31.08.2015 had permitted for extending the facility of Privilege Leave Encashment to both the Officers and Workmen employees, who have been imposed with the punishment of Compulsory retirement on or after 30.04.2015 and the same was communicated, vide Bank Internal Head Office Circular No. 445/2015 dated 10.09.2015.

5. It is vehemently submitted on behalf of the respondent Bank that prior to the aforesaid decision taken by the Indian Bank Association and its communication in the year 2015, there was no payment of leave encahsment of those, who had inflicted with the punishment of compulsory retirement. However, after taking the afore noted decision, the employees/officers, who have been inflicted with the punishment of compulsory retirement, they have been extended the benefit of leave encahsment and basing his claim on the

aforesaid provision, the petitioner filed C.W.J.C. No. 11954 of 2021, which was allowed, vide order dated 19.01.2023, holding the petitioner entitled to payment of his leave encahsment. In deference to the order of this Court, as noted hereinabove, the petitioner has been extended the benefit of leave encashment on 01.03.2023 and thus it is submitted on behalf of the respondent Bank that there is no delay on the part of the Bank and in absence of any statutory rule or any Rules/Regulations/ Guidelines, the respondent Bank cannot be made responsible for no fault.

6. Mr. Siddharth Harsh, learned counsel for the Bank has also relied upon the judgment of the Apex Court rendered in the case of **Union of India & Ors. Vs. Orient Enterprises & Anr. (1998) 3 SCC 501** wherein it has been held that writ petition is not maintainable for sole relief of interest, unless right to interest is a statutory right.

7. A rejoinder to the counter affidavit has been filed on behalf of the petitioner and making reliance of the various judgment, including the **State of Jharkhand & Ors. Vs. Jitendra Kumar Srivastava & Anr. [(2013) 12 SCC 210**] submission has been made that admittedly the petitioner has inflicted with the punishment of compulsory retirement in the

year 2009 and he has been allowed the benefit of leave encashment in the year 2023 and thus in any view of the matter, the petitioner is entitled for interest over the delayed payment.

8. Having heard the parties. This Court finds substance in the submissions made on behalf of the respondent Bank. From the record, it is manifest that prior to 2015 there was no scheme for extending the benefit of leave encahsment to the employees/officers, who have been inflicted with the punishment of compulsory retirement and first time it made effective w.e.f. 30.04.2015, pursuant to the decision taken by the Indian Bank Association.

9. Needless to observe that the petitioner has been inflicted with the compulsory retirement way back in the year 2009, when there was no such provision for leave encahsment to the employee/officers, who have inflicted with the punishment of compulsory retirement and first time he approached before this Court in the year 2021, thus, in any view of the matter, this Court finds that there is no delay on the part of the respondent Bank in extending the leave encashment to the petitioner, apart from the fact that this Court also finds that there is no statutory rules extending the interest over the delayed payment of encashment.

10. Further, the law is also well settled that writ petition is not maintainable for the sole relief of interest unless right to interest is a statutory right [vide **Union of India & Ors. Vs. Orient Enterprises & Anr. (1998) 3 SCC 501**].

11. In view of the aforesaid facts, circumstances and the settled proposition of law, the writ petition sans any merit, stands dismissed.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2024
Transmission Date	NA