IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 5th OF FEBRUARY, 2024

WRIT PETITION No. 1199 of 2024

BETWEEN:-

1. **SMT. VASUNDHRA PANDIT W/O SHRI ASHOK PANDIT, AGED ABOUT 65 YEARS, OCCUPATION: PENSIONER (RETIRED SAHAYAK SHIKSHAK PRATHMIK GOVT. REGIYAPURA VIDISHA) AT PRESENT ADDRESS DISTRICT VIDISHA (MADHYA PRADESH)**

2. **SHRI OM PRAKASH SAXENA S/O SHRI KANHAIYALAL, AGED ABOUT 63 YEARS, OCCUPATION: PENSIONER (RETIRED SAHAYAK SHIKSHAK MADHYAMIK GOVT. SATPADA VIDISHA) AT PRESENT ADDRESS DISTRICT VIDISHA (MADHYA PRADESH)**

3. **SMT. MANORAMA CHOUBEY W/O SHRI SURESH CHOUBEY, AGED ABOUT 63 YEARS, OCCUPATION:PENSIONER (RETIRED SAHAYAK SHIKSHAK PRATHMIK GOVT. JATPURA VIDISHA) AT PRESENT ADDRESS DISTRICT VIDISHA (MADHYA PRADESH)**

4. **SHRI RAMNATH SINGH RAJPUT S/O SHRI SURESH CHOUBEY, AGED ABOUT 64 YEARS, OCCUPATION: PENSIONER (RETIRED SAHAYAK SHIKSHAK MADHYAMIK GOVT. LASHKARPUR VIDISHA) AT PRESENT ADDRESS DISTRICT VIDISHA (MADHYA PRADESH)**

5. **SMT. KRESH JAIN W/O SHRI PRAKASHCHANDRA JAIN, AGED ABOUT 62 YEARS, OCCUPATION: PENSIONER (RETIRED SAHAYAK SHIKSHAK PRATHMIK GOVT. JAROD, VIDISHA) AT PRESENT ADDRESS DISTRICT VIDISHA (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI AJEET SINGH BHADORIYA - ADVOCATE)

AND

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1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY, SCHOOL EDUCATION DEPARTMENT, VALLABH BHAWAN BHOPAL (MADHYA PRADESH)**

2. **COLLECTOR VIDISHA (MADHYA PRADESH)**

3. **JILA SHIKSHA ADHIKARI VIDISHA (MADHYA PRADESH)**

4. **AAHRAN SAVITRAN ADHIKARI (DDO), BLOCK SHIKSHA ADHIKARI VIDISHA/BASODA, VIDISHA (MADHYA PRADESH)**

5. **JILA KOSALAY ADHIKARI, VIDISHA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI S.S. KUSHWAHA - GOVT. ADVOCATE)

This petition coming on for admission this day, the court passed the following:

ORDER

Heard on the question of admission and grant of interim relief.

By this writ petition under Article 226 of the Constitution of India, the petitioners are seeking the following relief (s): -

1. यहकि, याचिकाकर्ता द्वारा प्रस्तुत याचिका स्वीकार कर याचिकाकर्तागण द्वारा प्रस्तुत याचिका स्वीकार करते हुए याचिकाकर्तागण को मध्य प्रदेश शासन वित विभाग के आदेश दिनांक 08/03/19 एवं माननीय उच्च न्यायालय द्वारा रिट पिटीशन न. 2948/2008 वीरेन्द्र किलेदार विरूद्ध मध्य प्रदेश राज्य व अन्य एवं रिट अपील 484/2011 मध्य प्रदेश राज्य व अन्य विरूद्ध वीरेन्द्र किलेदार में पारित आदेश/दिशा निर्देश एनेक्चर पी/2 तथा म0प्र0 सिविल सेवाऐं अवकाश नियम 1977 के प्रावधानों के क्रम में पात्रतानुसार कुल 300 दिवस के अर्जित अवकाश के नगदीकरण भुगतान 30 दिवस में ब्याज सहित माननीय सर्वोच्च न्यायालय के प्रकरण सिविल अपील नं. 399/2021 आन्ध्र प्रदेश राज्व अन्य विरूद्ध श्रीमती दीनावही लक्ष्मी कामेशवारी में पारित आदेश दिनांक 08 फरवरी 2021 के आवश्यक पालन के क्रम में स्वीकृत कर भुगतान प्रदान किये जाने के आदेश/निर्देश प्रतियाचिकाकर्तागण विभागीय प्राधिकारियों को प्रदान करने की कृपा करें।

2. यह कि अन्य आदेश/निर्देश जो माननीय न्यायालय उचित समझे न्यायहित में पारित किए जाने की कृपा करें।

2. Learned counsel for the petitioners submits that the respondents are

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not making payment of leave encashment (to which they are entitled) to the petitioners, while the issue regarding payment of Earned Leave has already been decided on 13.10.2010 by the Coordinate Bench of this Court at Gwalior in Writ Petition No.2948/2008 (Virendra Kiledar v. State of M.P. and others), affirmed by Division Bench of this Court at Gwalior in Writ Appeal No.484/2011 (The State of Madhya Pradesh & others v. Virendra Kiledar S/o Gattu Lal Kiledar & another) vide order dated 27.04.2012. According to him, the petitioners are entitled for 300 days leave encashment. Therefore, the present petition be also disposed of in view of the directions contained in the order passed by the Coordinate Bench of this Court.

3. Learned counsel for the respondent / State, on the other hand, could not dispute passing of order in W.P. No.2948/2008 and submit that if representation is submitted by the petitioners in that regard, then the same shall be duly considered by the respondents authority.

4. In view of the aforesaid legal position, it is directed that if petitioners submit a representation to the Competent Authority of the respondents within fifteen days from today, then the same shall be considered and decided by the said authority, in accordance with law, keeping in view the order dated 13.10.2010 passed in Writ Petition No.2948/2008 (S) within a period of two months from the date of receipt of certified copy of this order.

5. It is made clear that this Court has not expressed any opinion on the merits of the case.

6. With the aforesaid direction, Writ Petition stands disposed of.

All the other pending interlocutory applications, if any, shall stand disposed of.

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(MILIND RAMESH PHADKE)
JUDGE

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