



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

264

CWP-15673-2023 (O&M)

Date of decision: 06.11.2024

Ashok Kumar Goyal

..Petitioner

Versus

State Bank of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Anil Kumar Ahuja, Advocate for the respondents.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for grant of interest on delayed payment of leave encashment, PF and Gratuity.
2. With regard to the above, reference has been made to the preliminary objection No.1 and 2, to which there is no replication and learned counsel appearing for the petitioner is also unable to refute the same and the same reads thus:

“1. That the writ petition under reply having been filed without any cause or reason arising to the petitioner is totally not maintainable and liable to be forthrightly dismissed inasmuch as the only relief sought by the petitioner in his writ petition is issuance of direction by way of mandamus to the answering respondents to pay interest to the petitioner for delayed payment of his Leave Encashment entitlement of Rs.3,72,105.00 P., Provident Fund balance of Rs.8,94,030.00 P. and Gratuity entitlement of Rs.9,72,505.00 P. admitted paid to him on 10.01.2019, 31.01.2019 and 03.04.2019 respectively, when the said payment became due to him immediately after his dismissal from service with effect from the close of 22.07.2014 as a matter of disciplinary measure, while the petitioner has not disclosed with malafide objectives, malicious designs and ulterior motives that a sum of Rs.1,97,078.00 stands already paid to him on 23.12.2020 towards interest for the delay in payment of the

amount of Gratuity, while another sum of Rs.1,64,864.00 P. also has been paid to him on 25.03.2021 as interest towards delay in payment of his Provident Fund, by credit to his Savings Bank Account No.10553349231 maintained by him with respondent Bank's Branch at Moga, Punjab, where the petitioner now resides. Copy of the statement of the said Account for the relevant period from 01.12.2020 to 21.03.2021, duly certified under the Bankers' (Books) Evidence Act, is annexed herewith as Annexure R/1.

2. That so far as claim to interest on the amount of Leave Encashment is concerned, reference is invited to Rule 38 of State Bank of India Officers' Service Rules, 1992, that governed the service of the petitioner, which is reproduced below for ease of reference of this Hon'ble Court":

“Lapse of Leave

38. Save as provided below, all leave to the credit of an officer shall lapse on resignation, retirement, death, discharge, dismissal or termination.

(i) where an officer retires from the Bank's service, he / she shall be eligible to be paid a sum equivalent to the emoluments of any period, not exceeding 240 days, of privilege leave that he had accumulated.

(ii) where an officer dies while in service, a sum equivalent to the emoluments for the period, not exceeding 240 days, of privilege leave to his credit as on the date of his death, shall be payable to his legal representatives.

(iii) Where an officer resigns from service on or after 1st April 2001 after giving due notice, as provided in sub-rule (1) of Rule 20, he / she may be paid a sum equivalent to the emoluments in respect of privilege leave to the extent of half of such leave to his credit on the date of cessation of service, subject to a maximum 120 days.

A mere glance at the abovesaid Rule clearly stipulates that encashment of accumulated privilege leave upto the maximum of 240 days is only permissible in the case of retirement, death and resignation of an officer and in all other cases of termination of service, whether by way of discharge, dismissal or otherwise, all leaves, including privilege leave, due to an officer stand lapsed and cannot be encashed. In the present case of dismissal of the petitioner from the service of the respondent Bank as result of disciplinary action taken against him, though he was not entitled to any encashment of privilege leave, however, an amount of Rs.3,72,105.00 stood paid to him as an oversight. Thus no interest is payable to him on this count as he was not entitled to be paid even the principal sum as leave encashment.”

3. That it is a well settled proposition of law and that any litigant coming to the Court with soiled hands and intentional deceptive pleadings by misstatements, concealments and suppression of facts is not entitled to any relief, much less a discretionary relief under Article 226/27 of the Constitution of India.”

3. In view of the above, the present petition being bereft of merit is hereby dismissed.

06.11.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No