

(2011) 07 SHI CK 0236
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) 531 of 2009

Hari Dutt Sharma

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 27-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0236

Hon'ble Judges : Surjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Petitioner, who was working as Assistant Development Officer (Agriculture) in the Department of Agriculture, submitted his resignation sometime in January, 1990, as he wanted to contest election. His resignation was accepted. However, No. formal order of relieving him was issued. Money lying in his GPF account was not released to him nor was he paid salary equivalent to earned leave at his credit. He filed writ petition in the year 2009 or say about 19 years after the acceptance of his resignation and his having left the job.

2. GPF money has since been released in favour of the Petitioner. As regards leave encashment, plea taken by the Respondents is that Petitioner did not hand over the charge and that after some time, when inquiry was conducted, it was felt that he had embezzled government money worth Rs. 29 lacs and odds and because of that leave encashment was withheld.

3. I have heard learned Counsel for the parties and gone through the record.

4. Respondents' plea that the Petitioner did not hand over the charge, as taken in reply, has not been controverted. Also, the plea that a case of embezzlement has been registered against the Petitioner for defalcating an amount of Rs. 29 lacs and odds, has not been controverted, despite the fact that an opportunity was sought and granted for filing the rejoinder. Hence, it cannot be said that leave encashment has been illegally withheld.

5. Learned Counsel, representing the Petitioner, submits that on account of delayed payment of GPF money, Petitioner is entitled to interest. The record shows that Petitioner did not apply for final payment of GPF money to him for quite long a time. He has placed on record Annexure P-1, which is dated August, 1996. According to him, he approached the Respondents for final payment of GPF through this letter. There is nothing on record, if this communication was received in the office of Respondents.

6. In any case, this request was made long after the acceptance of the resignation of the Petitioner. For this reason as also the fact that he did not hand over the charge and is alleged to have embezzled an amount of Rs. 29 lacs and odds, Petitioner, in my considered view, is not entitled to the relief of payment of interest on account of delayed payment of GPF money.

7. For the foregoing reasons, writ petition is dismissed.