

**O.A. No. 166/2010**

12.08.2010

Present: Ms. Rashmi Singh, Advocate, counsel for the applicant.

Ms. Jyoti Singh with Ms. Tinu Bajwa, Advocates, counsel for the respondents.

Applicant by this application has prayed that respondents may be directed to pay the amount due to the applicant towards encashment of 300 days of accumulated leave.

Applicant in this case was court martialled and he was dismissed from service by proper convened General Court Martial. However, his grievance is only limited to leave encashment of aforesaid period.

Learned counsel for the applicant has produced before us copy of judgment of Division Bench of Hon'ble Delhi High Court in the case of Lt. Col. (Retd.) S.S. Panglia vs. Union of India (CM No. 13361/2008 in W.P. (C) No. 6955) whereby Division Bench has granted leave encashment despite the fact that incumbent was court martialled and was sentenced<sup>15</sup> dismissal from service in the matter relating to outraging the modesty of a woman. In the present case, grievance of the applicant is only with regard to leave encashment. A reply has been filed by the respondents and respondents have taken the position that he cannot be granted leave encashment as he was found to be guilty by the General Court Martial.

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In view of the fact that in an identical situation, Division Bench of Hon'ble Delhi High Court has granted leave encashment to an incumbent, therefore, we direct let the leave encashment may be granted to the applicant in accordance with law within a period of three months. Application is accordingly disposed of.

No order as to costs.

**A.K. MATHUR**  
(Chairperson)

**Z.U. SHAH**  
(Member)

**New Delhi**  
**August 12, 2010**