

C.A.No. 1973 OF 1998

Item No.108

COURT No. 7

SEC.XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

C.A. No. 1973/1998 @@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

State Bank of Hyderabad

Appellant (s)

VERSUS

J. Venugopal

Respondent(s)

(With Office Report)

Date : 25.09.2001 This appeal was called on for hearing today.@@
AA

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) Mr. S.B. Sanyal,Sr.Adv.
Ms. M. Verma,Adv.
Mr. M.S. Mollah
Mr. A. Ranganathan,Adv.
Mr. A.V. Rangam,Adv.

For Respondent (s) Mr. Muneesh Malhotra,Adv. for
Mr. Tarun Johri,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....J.

.SP2

The appeal stands dismissed.

.SP1

(Y.P.Dhamija)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file.

.PA

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.PL58

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1973/1998@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

State Bank of HyderabadAppellant(s)

Vs.

J. VenugopalRespondent(s)

O R D E R@@
EEEEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

The question raised in this appeal is that when an employee resigns from his post whether he is entitled to encashment of the accumulated leave not availed of by him while in service. The High Court before which the question was raised relied upon a Division Bench ruling in an earlier case in respect of another employee in the establishment of the appellant itself wherein it was held that such an employee would be entitled to the benefit of the accumulated leave and he could encash the same even after resignation. When that principle was applied all through we do not think it is necessary to examine whether the principle stated in the decision is right or not in this case. In the circumstances, we decline to interfere with the order made by the High Court. The question in this appeal is kept open to be decided in a more appropriate case.

The appeal stands dismissed.

.SP1

.....J.
(S. RAJENDRA BABU)@@
AAAAAAAAAAAAAAAAAAAA

New Delhi,J.@@
AA
September 25, 2001 (DORAISWAMY RAJU)@@
AAAAAAAAAAAA