IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,

ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PAVAN KUMAR DWIVEDI

ON THE 14th OF JULY, 2025

WRIT APPEAL No. 1272 of 2025

DHAWAL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Archana Kher - Advocate for the appellant.

Shri Anand Soni - Additional Advocate General for the respondent/State.

ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

Appellant impugns the order dated 04.02.2025 whereby the writ petition filed by the appellant seeking payment of retiral dues including pension, gratuity and leave encashment with interest has been dismissed.

2. The appellant was initially appointed as revenue inspector on 14.09.1990. The appellant worked upto September, 2011. The State Government introduced a scheme namely Furlough Scheme for the State Government employees. Under the said scheme, Government employees could go on leave for maximum period of 5 years. During this period, they were entitled to take their own business or service elsewhere and were entitled to 50% of the salary. The appellant applied under the said scheme and proceeded on Furlough leave w.e.f. 01.10.2006 for a period of 5 years. By an application dated 25.06.2011, the appellant informed the authorities that he was not interested in continuing in the department and desired to take

voluntary retirement. The appellant thereafter left the service on 01.07.2011. The appellant remained on leave from 01.10.2006 to 30.06.2011. The appellant, however, claimed the retiral dues based on the continuous length of service including nearly 5 years period spent on Furlough.

3. The learned counsel for the appellant submits that the period spent on Furlough should be counted towards the length of service rendered by the appellant with the Government. Prior to proceeding on Furlough, the appellant had spent 16 years in service and remained on Furlough for 4 years and 9 months.

4. Learned counsel for the appellant realises on Rule 21 of Civil Services Pension Rules, 1976 as well as Civil Services Leave Rules 1977 to contend that the maximum continuous leave permissible towards employees is for 5 years. He submits that the appellant has spent less than 5 years on Furlough, the said period should be counted towards computing his retiral dues and pension.

5. Learned Single Judge has relied on Clause 2.13 of Furlough scheme, which reads as under:-

> "2.13 फरलो की अवधि, पेंशन हेतु अर्हकारी सेवा की गणना हेतु हिसाब में नहीं ली जायेगी।"

6. The Furlough scheme itself stipulates that the period spent on Furlough shall not be counted towards eligible service for computation of pension. Furlough has to be considered as a whole. The government servant who has proceeded on leave for a period of 5 years under the Furlough scheme is entitled for 50% of pay and also entitled to take alternative employment during the said period. The Furlough scheme specifically stipulates that the period spent on Furlough shall not be counted towards computation of pension and consequently, learned Single Judge has held that in terms of Clause 2.13 of Furlough scheme the period spent by the

appellant on Furlough shall not be taken into account for computing his retiral dues. We find no infirmity in the view taken by the learned Single Judge particularly, in view of explicit clause of Furlough.

7. The contention of the learned counsel for the appellant that Furlough scheme is contrary to Civil Services Pension Rules as well as Civil Services Leave Rules does not have any merit for the reason that Cvil Services Pension Rules as well as Civil Services Leave Rules do not provide for a similar Furlough scheme. The Furlough scheme has to be read as a whole and an employee could not contend that the beneficial part of the scheme is admissible and the part which provides for Furlough period be not counted towards retiral dues separately is not sustainable being contrary to Rules. The Furlough scheme once read as a whole clearly stipulates that the period spent on Furlough shall not be counted towards the retirement benefits.

8. In view of the above, we find no merit in the appeal. The appeal is consequently dismissed.

(SANJEEV SACHDEVA)	**(PAVAN KUMAR DWIVEDI)**
ACTING CHIEF JUSTICE	**JUDGE**

N.R.