

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4813 of 2015

=====

Anand Prakash Singh, Son of Late Balbhadra Narayan Singh, resident of village- Basudeopur Chandel, Police-station-Mahnar, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, Department of Home, Bihar, Patna.
2. The Deputy Secretary, Department of Home(Police), Bihar, Patna.
3. The Additional Director General of Police, (Headquarter) Bihar, Patna.
4. The Superintendent of Police, Rohtas, Dehri-on-Sone.
5. The Incharge Officer, Finance (Personalised Claim Redressal Cell) Department of Finance, Bihar, Patna.
6. The Treasury Officer, Sasaram.
7. The Treasury Officer, Dehri-on-Sone, District- Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Singh, Adv
For respondent no. 5 : Mr. Ram Kinker Choubey, Adv
For the State : Mr. SC26- Amar Nath Deo

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 20-04-2015 Heard learned counsel for the parties as with regard to relief prayed in this writ application:-

“directions, more particularly in the nature of Mandamus commanding and directing the respondent no. 5, Incharge Officer, Finance (Personalised Claim Redressal Cell) to ratify its mistake/deliberate lapses on his part, delaying the payment of unutilized leave encashment for which the authority letter had already been issued vide Annexure-6 for making payment of the well considered amount sanctioned under the head, but unfortunately the same was dispatched to Treasury Officer, Sasaram in place of Treasury Officer, Dehri-on-sone, District-Rohtas (respondent no. 7).”

Learned counsel for the petitioner in support of



the aforementioned prayer has submitted that it is basically due to laches on the part of respondent no. 5, that the petitioner though retired on 31.01.2014 still stands deprived of the amount of leave encashment. In this regard he has explained that the necessary authority and order was deliberately sent to Sasaram in place of Dehri-on-sone by respondents.

Respondent no. 5 on the other hand having filed the counter affidavit has explained that initially the authority slip of the payment of leave encashment of the petitioner was issued on 06.08.2014 and its treasury copy was sent to Sasaram but now in view of the letter of the Superintendent of Police, Rohtas dated 25.02.2015, the rectified authority slip has been issued on 17.04.2015 sent to Dehri-on-sone. In support of the aforementioned statement the respondents have enclosed the letter of the Finance Department dated 17.04.2015 contained in Annexure-A and the consequential order is also dated 17.04.2015.

From the reading of the averments made in the counter affidavit, it becomes clear that respondent no. 5 on his own could not have issued the rectified order and such decision to be taken only at the headquarters in the Finance Department, did require sometime for rectification of the authority slip. Respondent no. 5 therefore, cannot be held guilty as is being submitted by learned counsel for the petitioner.

Be that as it may now the revised authority slip has already been issued and therefore, this Court would direct the concerned Treasury Officer, Dehri-on-sone and/or any other authority required to act as per the revised order dated 17.04.2015 to ensure that the actual payment of the amount of leave encashment must be made within a period of one month from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--