IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2010 of 2014

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Chote Lal Noniya Son Of Late Ugrin Noniya Resident Of Village And P.O. Sahebchak, P.S. And District - Nawada

.... Petitioner/s

Versus

1. The State Of Bihar Through General Manager Cum Chief Engineer, Magadh Regional Electric Board, Gaya
2. The Secretary, Energy Department, Patna
3. The Senior Manager (Personnel), Magadh Electric Supply Range, Gaya
4. The Executive Engineer, Electric Supply Division, Nawada, P.S. And District - Nawada

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Madhusudan Kumar, Adv
For the Respondent/s : Mr. Yogendra Pd. Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

6 09-02-2015 Heard learned counsel for the parties.

Mr. Madhusudan Kumar, learned counsel for the petitioner has submitted that now that grievance of the petitoner remains confined to payment of balance amount of leave encashment of the petitioner, which according to him is Rs. 35,114/- . In this regard, he invites attention of this Court that the total amount of payment of G.P.F, group insurance and earned leave salary was described to Rs. 1,76,354/-. According, to Mr. Kumar, the petitioner has received only Rs. 1,41,240/- and therefore, the balance amount payable to the petitioner would be Rs. 35,114/-.

Learned counsel for the respondents on the other hand having filed the counter affidavit has submitted that the admissible amount of payment has already been made to the petitioner. In this regard he relies on the averments made in the counter affidavit that the full amount of G.P.F of Rs. 1, 31,032/- was paid to the petitioner on 20.06.2002 even before issuance of the succession certificate on 29.06.2007. As a matter of fact, thereafter the petitioner on getting the succession certificate had received payment of Rs. 19,075/- against the amount of group insurance and therefore, even if the amount given in the succession certificate, the petitioner at best would be entitled to Rs. 26,247/- on the head of leave encashment.

Accounting however cannot be done by this Court and therefore, if the respondents themselves have not been able to find out any payment made to the petitioner on the head of leave encashment they would be liable to pay amount of leave encashment which the petitioner was entitled to draw. Therefore, this Court without quantifying the amount of leave encashment would direct the competent authority as to whether the petitioner in the first place was paid leave encashment and secondly if not paid how much amount of leave encashment would be still payable to the petitioner.

The competent authority in this regard must take a decision within a period of three months from the date of receipt of this order and also ensure its payment within the next one month so that the amount of leave encashment payable to the petitioner, if any, is paid to him in accordance with law.

Let it be made clear that upon receiving payment of leave encashment the petitioner's retirement benefit as fully explained in the counter affidavit stands settled and therefore, he will have no liberty to move this Court again raising any other issue of retirement benefit.

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

(Mihir Kumar Jha, J)

Ranjan/-

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