

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2823 of 2015

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Arun Kumar Singh S/o - Ram Krishna Singh R/o - Village - Laxmipur, Manikpur,
P.O. - Kawadpur, P.S. - Suryagarha, Distt. - Lakhisarai, P.S. - Suryagarha, Distt. -
Lakhisarai, Retd. Block Agricultural Officer, Dinara, Rohtas

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Agriculture Department, Patna
2. The Director Agriculture, Bihar, Patna.
3. The District Agriculture Officer, Rohtas, Sasaram
4. The Block Development Officer, Dinara, Rohtas.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Respondent/s : Mr. Syed Arshad Alam, SC3

For the AG : Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 19-02-2015

Heard learned counsel for the parties.

Having regard to the prayer made in this writ
application, relevant portion whereof reads as follows:-

*"----- for issuance of an order to the respondents for
grant of arrear payment of Time bound promotion, A.C.P.
and difference of leave encashment of 300 days which has not
yet been paid while complying the order of the Hon'ble
Court's order dated 20.12.2013 passed in C.W.J.C. No. 10494
of 2013 by Hon'ble Mr. Justice Ajay Kumar Tripathi."*

this Court would find it difficult to issue any direction to the
respondents as with regard to the payment of arrear of Time Bound
Promotion and A.C.P. which are of-course not the retirement benefit.
These benefits can only be claimed by the petitioner before the
appropriate forum/court dealing with the service condition including

promotion of the petitioner. The assignment of this Bench is confined only to the cases of retirement benefit.

The only retirement benefit claimed by the petitioner in this writ application is difference of amount of leave encashment of 300 days. That would mean that the petitioner has already been paid his leave encashment and he wants further amount payable on the head of leave encashment. For this purpose, the petitioner has to first prove that the salary was revised which had led to the claim of his difference of leave encashment. There is, however, nothing on record to show that the petitioner's salary was revised beyond his payment authorized by the Accountant General on the head of pension and gratuity.

In that view of the matter, this Court would direct the competent authority to only examine the claim of the petitioner for grant of difference of leave encashment of 300 days if the petitioner was earlier granted leave encashment of 300 days and thereafter any order has been passed by the competent authority revising the pay-scale of the petitioner on the ground of which the petitioner becomes entitled for difference of leave encashment of 300 days.

With the aforesaid observation and directions this writ application is disposed of.

(Mihir Kumar Jha, J)

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