

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5798 of 2015

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Rishi Shankar Singh son of Late Kishun Devi Singh resident of 201 Awadh Nandan Apartment, Jhunjhun Mahal Road, New Yarpur, Patna-1.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Personnal and Administrative Reform Bihar, Patna null null
2. The Commissioner and Secretary Department of Personnal and Administrative Reform, Bihar, Patna.
3. The Secretary Rural Development Department , Bihar, Patna.
4. Accountant General of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal

For the Respondent/s : Mr. Harish Kumar- Gp32

For the A.G. : Mr. Rabindra Kr. Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 29-06-2015 Heard learned counsel for the parties as with regard to

the following relief prayed in this writ application:-

"(a) For issuance of a writ in the nature of mandamus for issuing a direction to the respondent Authorities for payment of some retiral dues of earned leave salary since 20.11.1999 to 17.12.2000 has not been paid with interest from the date of dues till payment.

(b) For which the petitioner had filed several representations before his retirement i.e. 30.07.2006 praying therein that the period from 20.11.1999 to 29.09.2000 we accepted as earned leave due to engagement for treatment to wife of the petitioner which was suffering from P.I.D. and D.U.M. (ovary decease may Cancer) and the period from 01.03.2000 to 17.12.2000 necessary waiting posting be supported



as regular service but the respondent department has illegally decided as extra ordinary leave due to above leave/waiting for posting since 20.11.1999 to 17.12.2000 while Bihar Service Code says to pay salary of above leave.

(c) For set aside the order of notification departmental letter no. 7643 dated 18.09.2002 issued by the department of Personnel and Administrative Reform, Bihar, Patna & letter no. 11350 dated 14.08.2012 issued by State Govt. Bihar."

In this regard this Court would firstly note that the petitioner, while he was working in service, had been denied leave for the period of his absence 20.11.1999 to 17.12.2000 and such period of absence was directed to be treated as extraordinary leave. An order also to this effect was passed way back on 18.9.2002. The petitioner thereafter had retired w.e.f. 01.08.2006 and his all retirement benefits had been paid. Now after a period of more than 15 years of cause of action he wants this Court to direct for payment of his salary for the period 20.11.1999 to 17.12.2000 and quash the order dated 18.9.2002 so that he could get payment by way of leave encashment.

Such a prayer obviously is not only frivolous but also wholly stale. The submission of learned counsel for the petitioner that subsequent orders were also passed will also not change the

situation that the cause of action for the petitioner in respect of claiming lease arose way back in the year 1999 to 2002. This Court therefore is also not inclined to look into any other aspect because the unexplained delay itself will be fatal in this case.

That being so, this writ application is dismissed.

(Mihir Kumar Jha, J)

Rishi/-

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