IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.163 of 2014

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Gopal Nath Mishra Son Of Shri Raghunath Mishra C/O Shri Bihari Nath Mishra Resident Of Mohalla- Mishratola, P.O.- Lalbagh, P.S.- Kotwali, District- Darbhanga, Pin- 846004

.... Petitioner

Versus

1. The State Of Bihar
2. Excise Commissioner, New Secretariat, Vikash Bhawan, Bailey Road, Patna
3. Excise Superintendent, Araria
4. Treasury Officer, Laharia Sarai, Darbhanga
5. Deputy Treasury Officer, Laharia Sarai, Darbhanga
6. The Accountant Gengeral, Bihar, Patna

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Basant Kumar Mishra
For the Respondent/s : Mr. Lalit Kishore (Paag)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

8 06-02-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application has raised only grievance with regard to non-payment of the amount of GPF and leave encashment for a period of 300 days and the respondents in their counter affidavit in this regard have explained both of them in paragraphs no. 4 and 5 of the counter affidavit which reads as follows:

> "4.That petitioner retired on 31.5.2011 from the post of Excise Constable and as per his leave account the petitioner is entitled for 159 days against leave salary and Rs.96,016/- has already been paid to the petitioner through office Bill 29/11-12, Treasury Voucher No. 195 dated 25.8.2011. In this way admissible leave salary i.e. entitled

leave encashment has been paid to the petitioner earlier.

5. That the authorization from G.P.F. office was not received in the office of the respondent no.3 thereafter it was requested to provide the authority through Letter No.1858 dated 30.9.2014 and the certified copy of the Authority letter for payment of G.P.F. amount of Rs.63,524/- was received on 7.10.2014 through letter No.181 dated 7.10.2014 thereafter Bill No.43/2014-15 was prepared for Rs.63,524/- and sent to treasury thereafter demand draft No. 039372 dated 14.12.2014 for the said amount has been prepared in the name of the petitioner and petitioner has been communicated vide letter no. 2151 dated 15.11.2014 to receive the demand draft from the office of the respondent."

This writ application is accordingly disposed of with a liberty to the petitioner to satisfy the authorities that he would be entitled for any further amount either on the head of leave encashment and/or GPF beyond what has already been paid to him as explained in the aforementioned paragraphs in the counter affidavit. If the petitioner does so by filing a representation the same shall be examined and disposed of by the concerned competent authority in accordance with law.

(Mihir Kumar Jha, J)

surendra/-

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