

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.497 of 2013

In
Civil Writ Jurisdiction Case No. 18812 of 2012

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Bihar State Land Development Bank, Patna & Ors.

.... Petitioner/s

Versus

Kanhaiya Prasad & Anr.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Prasad Choudhary

For the Respondent No.2 : Mr. R.S. Pradhan, Sr. Advocate

For the Respondent No.1 : Mr. Balajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

8 16-12-2015 The petitioner Bank seeks review of the order, dated 16.7.2013 passed in C.W.J.C. No.18812 of 2012 filed by a retired employee of the Bank namely Kanhaiya Prasad. The writ application was disposed of by order dated 16.7.2013 with a direction to the Bank to pay the admissible dues of the petitioner in accordance with law preferably within six months.

Learned counsel for the petitioner-Bank submits that other dues save and except leave encashment and arrears of salary have been paid to the writ petitioner. He submits that the Bank is making payment of post retrial dues as well as other dues of a retired employee in accordance with the scheme framed by this Court in the case of Kamla Prasad Sharma in C.W.J.C. No.14799 of 2012 and other analogous cases, disposed of on 10.7.2013. He further submits that as per the scheme the Bank has been asked to pick up one particular head and clear the dues under that head of all its retired employees in order of seniority. He submits that the petitioner's case for payment of his other dues like leave encashment would come after some more time in terms of the scheme framed by this Court. Thus, he seeks review of payment period

mentioned in the order dated 16.7.2013 passed in C.W.J.C.No.18812 of 2012.

Learned counsel for the writ petitioner-respondent submits that he was on deputation to the Bihar State Beverage Corporation from 13.6.2008 to 31.1.2012. The Bihar State Beverage Corporation has already contributed its part of the leave encashment and the money contributed by the Bihar State Beverage Corporation is definitely not of the petitioner Bank and as such the same was ought to have been paid.

I would agree with the submission of the writ petitioner-respondent to that extent.

The petitioner-Bank would forthwith release the amount of contributions made by the Bihar State Beverage Corporation towards payment of leave encashment of writ petitioner-respondent within two months from the date of receipt/production of a copy of this order. Thereafter, the petitioner-Bank would make payment to the writ petitioner in accordance with scheme framed by this Court.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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