

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3057 of 2016

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Prabha Pandey, wife of Late Lalan Pandey, resident of House No.55, Road No.10
Indrapuri, P.O. Keshri Nagar, P.S. Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Service, Bihar Indira Bhawan, 2nd Floor, Boring Canal Road, Patna.
4. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
5. The District Magistrate, Buxar.
6. The Child Development Project Officer, Itari, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Mishra & Mr. Krishna Ranjan, Advocates
For the State	:	Mr. Sunil Kumar, A.C. to G.P. 11

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-09-2016

Heard learned counsel for the parties.

The petitioner, who is the wife of late Lalan Pandey,
has approached the Court for payment of retiral dues of her late
husband including Pension, Gratuity, Leave Encashment, G.I.C. etc.

As per the stand of the State, the husband of the
petitioner was an employee of the Bihar State Pharmaceuticals and
Chemical Development Corporation Limited, which has an

independent and autonomous identity.

Learned counsel for the petitioner submits that as far as encashment of unutilized leave is concerned, the same has to be paid by the State for the period for which her late husband was deputed and working under the State.

From the counter affidavit also it is an admitted position that the liability to pay with regard to Leave Encashment for the period of deputation under the State has to be borne by the State authorities, as is reflected from Annexure-C to the counter affidavit, which is copy of Memo No. 1293 dated 18.05.2016 written by the Director, ICDS, to the Child Development Project Officer, Itarhi in the district of Buxar.

Having considered the matter, the writ petition stands disposed off with a direction to the respondent no. 3 to ensure payment of such dues to the petitioner within four weeks from the date of production of a copy of this order before him. Further, if there is any remaining dues to be paid to the petitioner relating to salary for the period he has worked under the State, the same shall also be looked into by the respondent no. 3, in terms of the representation dated 26.05.2015 filed by the petitioner, copy of which has been made Annexure-7 to the writ application. The respondent no. 3 shall pass appropriate orders on such representation

also within the same time period and if it is found that further payment has to be made to the petitioner, the same shall be paid within four weeks thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A