

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7341 of 2012

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1. Bhusan Prasad S/O Late Mishri Prasad Resident Of Ghosi Tola P.S. - Kasim Bazar, P.O. & District - Munger, Retired Clerk At Sadar Hospital, Sub-Division, Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Revenue & Land Reform Department, Government Of Bihar, Old Secretariat, Patna
2. Deputy Secretary, Revenue & Land Reform Department, Government Of Bihar, Old Secretariat, Patna
3. Divisional Commissioner Munger
4. District Magistrate Cum Collector, Munger
5. Sub-Divisional Officer, Sub-Division, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta

For the Respondent/s : Mr. Rai Kishore Roy, G.P.-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 10-08-2016

Heard learned counsel for the parties.

The petitioner retired as an *Clerk* from the office of S.D.O, Sadar, Munger with effect from 31.07.1992.

This application has been filed seeking direction for payment of leave encashment of 105 days with interest and penal interest by converting earned leave into medical leave or commuted leave under Rule 234 of the Bihar Service Code.

At the first place, I do not find any cogent explanation for filing this writ application nearly 20 years after the petitioner retired from service. Further the period

when the petitioner was said to be on leave is 09.06.1988 to 24.11.1988. There being delay of more than two decades, I am not inclined to entertain this application.

Secondly, the relief sought for is also misconceived. There is no separate provision for medical leave under the Bihar Service Code though leave may be granted on medical grounds.

I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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