

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6807 of 2014

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1. Anand Kumar Dinesh, Son Of Indradeo Narayan Singh, Resident Of Village- Kapsiyawan, P.S.- Hilsa, District- Nalanda At Biharsharif.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Department, Government Of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government Of Bihar, Patna.
3. The Director, Primary Education, Government Of Bihar, Patna
4. The District Education Officer, Nalanda At Biharsharif.
5. The District Programme Officer (Establishment), Nalanda At Biharsharif.
6. The Treasury Officer, Nalanda At Biharsharif.
7. The District Provident Fund Officer, Nalanda At Biharsharif

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Amar Nath Deo

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 30-01-2016

Heard the counsel for the petitioner and the State.

The petitioner confines the application for payment of leave encashment. For the remaining grievance, it is stated that appropriate representation shall be made.

The petitioner was appointed as Assistant Teacher on 20.10.1976 in Sri Kabir Keshav Middle School, Nawadiha, Hilsa, Nalanda. It is a minority school receiving aid/grant from the government. After attaining the age of superannuation, he superannuated on 30.06.2009 from the said school. It is stated that no departmental or judicial proceeding was pending, while he was in service. A claim was raised by him for payment of leave encashment. Referring to Annexure-1, it has been submitted that

the District Programme Officer (Establishment), Nalanda sanctioned the payment of 300 days of leave encashment. Still the respondents have not paid the same. Relying on diverse orders annexed as Annexure 4 series, it has been submitted that the respondents on the strength of such sanction order(s) issued by the competent/appropriate authority have paid the leave encashment to those persons who are similarly situated.

If that be so, then there should not be any impediment in payment of the leave encashment dues of the petitioner. However, as the counter affidavit has not been filed, this Court disposes of the application by permitting the petitioner to file a representation before the District Education Officer, Nalanda at Biharsharif for payment of the dues under the head leave encashment as per office order dated 20.09.2011 (Annexure-1), within 03 weeks. The said respondent will consider the said grievance of the petitioner in the light of the sanction order as well as the other orders sanctioning the payment of leave Encashment of other similarly situated persons/employees and pass appropriate reasoned order in accordance with law as quickly as possible preferably within five weeks of such filing/presentation.

(Kishore Kumar Mandal, J)

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