

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9481 of 2016

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Ramashray Sahani, Son of Late Mishri Sahani, Resident of Mayur Vihar Colony,
Khajpura, P.O- Bihar Vetenary College, P.S. Rajiv Nagar, District- Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Deputy Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Accountant General, Bihar, Beer Chand Patel Path, 'R' Block, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.

For the Respondent-State : Mr. Sheo Shankar Prasad, SC-10

For the Respondent-AG : Mr. Manikant Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-04-2017

Heard Mr. Kumar Kaushik, learned counsel appearing for the petitioner, Mr. Sheo Shankar Prasad, learned Standing Counsel No.10 for the State and Mr. Manikant Mishra, learned counsel appearing for the Accountant General, Bihar, Patna.

Though multiple reliefs have been prayed in the writ petition but when the matter is taken up Mr. Kaushik, learned counsel appearing for the petitioner on instructions chooses to restrict the prayer made in the writ petition in so far as it appears at paragraph 1(iii) of the writ petition whereunder the petitioner prays for appropriate direction to the respondents for payment of leave encashment due to the petitioner on his superannuation.

Mr. Kaushik while waiving of the relief prayed at paragraph



1(i) and (ii) of the writ petition in so far as it questions the authority of the respondents to withhold 10% of the pension and gratuity of the petitioner on initiation of a proceeding under the Bihar Pension Rules, 1950 seeks liberty for the petitioner to question the proceeding itself by filing an independent writ petition.

Leave is granted and the petitioner is permitted to question the proceeding initiated against him under the provisions of the Bihar Pension Rules, 1950 by filing an independent application to such effect.

Having heard learned counsel for the parties and considering the innocuous prayer made by the petitioner and considering that there is no order on record of the proceedings withholding leave encashment of the petitioner nor any such order is placed on the counter affidavit, I deem it proper to direct the respondent nos.2 and 3 to consider the grievance of the petitioner regarding non-payment of his leave encashment and dispose of the same in accordance with law within a maximum period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12-04-2017
Transmission Date	NA

