

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9527 of 2015

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Sidheshwar Prasad S/o Late Abhi Ram Resident of Village- Makanpur,
Police Station-Warsaliganj, District- Nawadah, At present Residing at
Mohalla-Barki Delha, Police Station- Delha, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Human Resources, Govt. of Bihar, Patna.
2. Director, Secondary Education, Budh Marg, Patna, Bihar.
3. Regional Deputy Director of Education, Magadh Pramandal, Gaya.
4. The Collector, Gaya.
5. District Programme Officer (Establishment), Gaya, Bihar.
6. District Education Officer, Gaya.
7. Treasury Officer, Gaya, Bihar
8. The Director, General Provident Fund, 4th Floor, Pant Bhawan, Patna, Bihar.
9. District Provident Officer, Gaya, Bihar.
10. The Principal, T. Model Inter School, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Respondent/s : Mr. Ashok Kumar Keshri

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

2 20-07-2017 Heard Mr. Dhirendra Kumar for the petitioner and AC
to AAG 12 for the State.

A counter affidavit on behalf of respondent no.5 has
been filed. The petitioner has filed a rejoinder.

The writ application is filed for payment of diverse
retiral dues to the petitioner.

Mr. Kumar states that all other dues have been
authorized/paid to the petitioner except the full amount of leave



encashment.

It is stated by the petitioner that as per the earlier calculation of the department, the petitioner was found entitled to encashment of 283 days of earned leave. Now the State respondent(s) have paid/authorized after re-calculation the payment of earned leave amount for only 241 days. He submits that the petitioner would be entitled to the payment of leave encashment for 283 days. No hearing was given to him before re-quantifying the days of leave to which the petitioner would be entitled to under the leave encashment head.

It does not appear from the statement made in the counter affidavit that any such opportunity of hearing was given to the petitioner.

Having considered the submissions made by the parties and on perusal of the materials available on record, in my view, the ends of justice shall be subserved if the writ application is disposed of by the following orders:-

Let a representation detailing all the relevant facts in support of the claim of the leave encashment for 283 days be filed by the petitioner before the Director, Secondary Education, Budh Marg, Patna, Bihar (respondent no.2). If any such representation is filed within four weeks, together with a copy of the present



order wherein a prayer of hearing is also made, the said respondent shall fix a date for hearing of the petitioner on the said representation and thereafter proceed to dispose of the claim of the petitioner by a reasoned order as quickly as possible preferably within 08 weeks therefrom.

(Kishore Kumar Mandal, J)

HR/-

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