

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1856 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 23 of 2015
With
Interlocutory Application No. 7735 of 2016
And
Interlocutory Application No. 7736 of 2016

- =====
1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
 3. The Director, Primary Education, Government of Bihar, Patna.
 4. The District Education Officer, West Champaran at Bettiah.
 5. The District Programme Officer (Establishment), West Champaran at Bettiah.

.... (Respondents) Appellants

Versus

1. Charley Lazarus, Son of Late Lazarus Sextus, Resident of Mohalla - Church Road, P.S. Bettiah Town, District - West Champaran at Bettiah. ... (Writ Petitioner)
2. The Headmaster, Mission Middle School, Bettiah, West Champaran at Bettiah.
(Respondent No. 6 in Writ Petition)
..... Respondents.

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Appearance:

For the Appellant/s : Mr. Arun Kumar Bhagat, Advocate.
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-03-2017

Re. Interlocutory Application No. 7736 of 2016.

For the reasons stated in this Interlocutory Application filed for condonation of delay of 1 year and 19 days in preferring the Letters Patent Appeal, the Interlocutory Application is allowed. Delay is condoned.

Re. Letters Patent Appeal No. 1856 of 2016 with
Interlocutory Application No. 7735 of 2016.



In awarding earned leave to the retired employee based on a policy of the State Government as contained in the Circular dated 20.02.1990, the learned Writ Court has not committed any error warranting reconsideration.

2. Reliance placed by the learned counsel for the State to say that based on the policy, as contained in the letter dated 29.06.1983 the employee was only entitled to pension, provident fund and gratuity, cannot be accepted for the simple reason that this policy of 1983 stood changed on 20.02.1990 and on the basis of the changed policy, the benefit of encashment of leave was granted to the retired employee, who retired in the year 2013.

3. We find no reason to interfere with the order passed by the learned Writ Court. The appeal being devoid of merits is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, A.R.

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

