

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17692 of 2008

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Avinash Chandra Singh, son of Sri Dinanath Singh, resident of Mohalla Khetari
Near South of Arrah Jail, P.S. Arrah Town and District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, State of Bihar, Patna.
2. The Secretary/Commissioner Rural Works Department, Vishwasaraia Bhawan,
State of Bihar, Patna.
3. The Executive Engineer, Rural Works Department Division No.2, Buxar, State
of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the State : Mr. Indeshwari Prasad Mandal, Ac to GA 3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is challenging the
order dated 11.7.2008 and 14.8.2008 passed by the Executive
Engineer, Rural Works Department Division No.2, Buxar by
which he has not considered the claim of the petitioner..

Admittedly the petitioner has sought half pay leave in
terms of Rule 232 of the Bihar Service Code on the ground that
he was not feeling well physically and mentally. Rule 232 of the
Bihar Service Code reads as follows:

“232. Half pay leave will be earned without any
restriction to the limit of accumulation, in the course of service,



at the following rates, for each completed year of service:-

(a) 20 days in the case of a Government servant in superior service; and

(b) 15 days in the case of a Government servant in inferior service.

Such leave can be availed of on private affairs as well as on medical certificate. There will be no limit on the half pay leave that can be availed of at a time on medical certificate and this will apply even when such leave is taken preparatory to retirement:

Provided that no half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the Government servant will return to duty after its expiry.”

On reading of the aforesaid Rule it reflects that half pay at the fag end of service, can be claimed on two grounds, one for private affairs and second for medical certificate and there is also a rider that medical certificate must be attached with the claim of half pay.

Admittedly in the present case while making the claim the petitioner did not attach the medical certificate whereas he has claimed on the ground of medical certificate.

In such view of the matter, the action of the authority



cannot be faulted and accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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