

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17424 of 2016

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Bakshi Shyam Sharan Sinha, son of Late Bakshi Harihar Prasad, resident of Mohalla-Ghose Bhawan, Near Nehru Nagar, Behind Sharma Apartment, Back of Patliputra Thana, Patliputra Colony, P.S.-Patliputra, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Environment and Forest Department, Patna, Bihar.
2. The Chief Conservator of Forest-cum-Managing Director, Bihar State Forest Development Corporation Ltd, Officers Flat No. K-5 and 6, New Punaichak, Panta-23
3. General Manager, Minor Forest Produce Project Circle, Patna-cum-Incharge of North Bihar Circle, Forest Development Corporation Ltd, Officers Flat No. K-5 and 6, New Punaichak, Patna-23.
4. Bihar State Forest Development Corporation Ltd, Officers Flat No. K-5 and 6, New Punaichak, Patna-23.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate

For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-04-2017

Heard the parties.

2. The petitioner was appointed on the post of Lower Division Clerk-cum-Typist in Bihar Forest Development Corporation Ltd. on 08.03.2014. He retired from service on 31.01.2014 on



completion of 60 years.

3. The grievance of the petitioner is that till date payment of leave encashment has not been made to him.

4. Learned counsel for the Bihar State Forest Development Corporation Ltd. does not dispute the aforesaid contention of the petitioner. He submitted that all the other post retiral dues of the petitioner have already been made. He submitted that repeated request has been made to the State Government to pay the arrear dues of the employees of the Corporation, but due to non-availability of fund his leave encashment amount of Rs.2,83,500/- could not be paid till date.

5. Learned counsel for the petitioner has drawn my attention towards order of this Court dated 04.03.2015 passed in C.W.J.C. No.21893 of 2011 in which the Court has directed as under:-

“In the facts and circumstances of the case, I direct as follows:-

(i) The Finance Department would allocate at first instance a sum of Rs.10 crores separately for payment to the affected employees on the recommendation of the Managing Director/Administrator of the Corporation, as the case may be. This amount would be supplemented as occasion arises.



(ii) On receipt of application from the employees claiming to be the affected person, the concerned Managing Director/Administrator would examine the individual cases and may decide to make recommendations accordingly depending on the merit of the case for release of fund in his/her favour.

(iii) On receipt of such recommendations, the Finance Department would make necessary allocation of fund to the concerned Managing Director/Administrator of the Corporation for its disbursement to the affected employees.

(iv) The whole exercise must be completed within three months from the date of receipt of application from the employees.”

6. Learned counsel for the State submitted that though he has no instructions in the matter, if the claim of the petitioner is found to be bona fide, the State would provide fund for payment of the leave encashment to the petitioner.

7. In view of the submissions made on behalf of the parties, the writ petition is disposed of with a direction to the Corporation to forward the demand relating to payment of leave encashment of the petitioner to the State Government within two weeks from today, if already not done. The State Government in turn shall ensure that the amount is sent to the Corporation within six



weeks thereafter. The Corporation shall then pay the amount to the petitioner within two weeks of having received the same from the State Government.

8. With the aforesaid observation and direction, the writ application is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2017
Transmission Date	NA

