

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.981 of 2017
IN
Civil Writ Jurisdiction Case No. 14069 of 2015**

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Girdhari Prasad Yadav, Son of Sri Heera Mahto, Residence of Village Kariya, P.O.
Satgama, P.S. Satgama, District-Kodarma.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The District Programme Officer, (Establishment), Jamui.
5. The District Education Officer Jamui.
6. The Head Master, T.D. Banwasi Bikas, +2 High School, Bichkodwa (Chakai),
District- Jamui.
7. The Accountant General Bihar, Birchan Patel Path, Patna.

.... Respondents

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Appearance :

For the Appellant : Smt. Shashi Priya Pathak, Advocate
Ms. Preety Kunwar, Advocate
For the Respondents : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-01-2018

Seeking exception to an order dated 22.5.2017 passed
by the learned Writ Court in C.W.J.C. No. 14069 of 2015 this appeal
has been filed under Clause-X of the Letters Patent.

The writ petition was filed by the petitioner claiming



pensionary benefits. When the matter was taken up on 22.5.2017, it seems that the petitioner's counsel was not present and the learned counsel representing the State Government and the office of the State Accountant General pointed out that the petitioner has been punished after due enquiry and by passing order of forfeiture of pension as a major of punishment after department proceedings and, therefore, pensionary benefits cannot be granted to such an employee. That apart, it was indicated that all other benefits have been granted to the petitioner.

Now in this appeal it is canvassed that even after dismissal, the petitioner is entitled to Provident Fund, Group Insurance and Leave Encashment and Leave Encashment has not been granted to the petitioner.

If that be so, in paragraph-6 of the order passed by the learned Writ Court, liberty has already been granted to the petitioner not only to challenge the order of punishment but also to claim such benefit which he is entitled to in spite of dismissal from service.

In case the petitioner feels that in spite of dismissal he is entitled to Leave Encashment or any other monetary benefit, liberty is granted to the petitioner to raise an appropriate claim before the competent authority in this regard and the competent authority is directed to decide the same by a speaking order within 30 days of its



presentation.

With the aforesaid liberty to the petitioner and modification to the order passed in the writ petition, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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