

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4119 of 2019

=====

Md. Raquiburrab Son of Abdulrab Resident of Village-Panhessa, P.S.-
Nalanda, District-Nalanda at Present Resident of Mohalla-Sangam Colony,
Near Pani Tanki, Dinapur-Cum-Khagaul, P.S.-Khagaul, 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, Patna-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

=====

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Mishra, Advocate
For the State	:	Ms. Ratna Kumari, AC to PAAG-2
For the Corporation	:	Mr. Ravindra Kumar Shukla, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 17-04-2019

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel appearing on behalf of Bihar State Forest Development Corporation Ltd. (hereinafter referred to as the 'Corporation').

2. Petitioner, who retired from the Corporation, claims leave encashment for 300 days of the total length of service, which includes DA @ 245% as notified by the Finance Department.

3. A counter affidavit has been filed on behalf of the Corporation stating therein that because of shortage of funds with



the Corporation payment has not been made and as soon as it will be received by the State Government, the same shall be made.

4. Learned counsel for the petitioner submits that in similar matter in C.W.J.C. No. 17304 of 2017 this Court vide order dated 16.01.2019 had directed the Chief Conservator of Forest cum Managing Director of the Corporation to ensure payment of admitted and calculated leave encashment of the petitioner within a period of four months from the date of receipt/ production of a copy of the said order. In the said writ application, this Court had also observed that the demand would be forwarded to the State Government within a period of four weeks if not already done. The State Government shall ensure that the amount is sent to the Corporation within eight weeks. The entire payment would be made within a period of four months.

5. This writ application is disposed of in the same terms as C.W.J.C. No. 17304 of 2017 with direction to the Chief Conservator of Forest cum Managing Director of the Corporation to ensure payment of admitted and calculated leave encashment of the petitioner within a period of four months from the date of receipt/ production of a copy of this order. The demand would be forwarded to the State Government within a period of four weeks if not already done. The State Government shall ensure



the amount is sent to the Corporation within eight weeks. The entire payment would be made within a period of four months.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
Transmission Date	NA

