

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14750 of 2014

=====

Sushil Joardar S/O Late Santosh Joardar Resident of Moh. - Subhaspally, P.O.
and P.S. - Kishanganj, Distt. - Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Industry Department, Vikash Bhawan, Bailey Road, Patna
2. The Industry Director, Industry Department, Vikash Bhawan, Bailey Road, Patna.
3. The Deputy Industry Director, Industry Department, Vikash Bhawan, Bailey Road, Patna.
4. The General Manager, District Industry Centre, Aurangabad.
5. The General Manager, District Industry Centre, Purnia.
6. The General Manager, District Industry Centre, Kishanganj.

... .. Respondent/s

=====

For the Petitioner/s	:	Mr Chandra Bhushan Verma, Advocate
For the Respondent/s	:	Mr Manoj Kumar, AC to GP XXIV

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-09-2019

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

2 The petitioner has filed the writ petition seeking a direction upon the respondent-Authorities to convert the extraordinary leave of 48 days granted to the petitioner into earned leave and pay salary for the 48 days as a consequence of such conversion. Petitioner has also prayed for a direction to extend him benefits under the Assured Career Progression (for brevity, ACP). Having served the Department for 32 years, the petitioner submits that he retired as Skill Artisan in the Cluster Center at District Industry Center, Kishanganj.



3 The Authorities have filed a counter affidavit dealing with the claims of the petitioner. It is their specific stand in the counter affidavit that the petitioner was granted extraordinary leave by Order dated 05.03.2014 under Rule 236 of the Bihar Service Code as the petitioner had remained unauthorizedly absent during the period for which he is claiming grant of earned leave. It is also submitted that under order dated 22.10.2014 issued by the Industries Directorate bearing Memo No 4425, petitioner has been granted benefits of first, second ACP and third Modified ACP with effect from the due dates.

4 The stand in the counter affidavit has neither been denied nor disputed by filing any rejoinder.

5 In the circumstances, this Court does not find any reason to issue any direction for converting the extraordinary leave granted to the petitioner into earned leave. So far as relief to extend benefits under ACP is concerned, the same has already been granted during pendency of the instant proceedings.

6 Writ petition is, therefore, dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2019
Transmission Date	NA

