

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20782 of 2018

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Fuleshwar Ray Son of late Ramji Ray Resident of Kundah Ward no. 2
Kundali, P.S.-Saharsa, District-Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna
2. The Special Work Officer, Rural Development Department Bihar, Patna
3. The District Magistrate, Begusarai.
4. The Deputy Development Commissioner, Begusarai
5. The Director Account Administration and Self Employment Cum Public Information Officer District-Rural Development Agency Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate
For the State : Mr.Alok Kumar Rahi, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 19-06-2020

This matter has been taken up through video conference.

2. This writ petition has been filed for “directions commanding the Respondents for direction to the respondents to make payment of leave encashment (earned leave) for 300 days equal amount to the petitioner with interest in the light of same benefit have been given to similar situated other employees who have retired from District Rural Development Agency, Begusarai and for other order or direction in the facts and circumstances of the case in the interest of justice.”



3. Learned counsel for the petitioner submits that the issue of payment of leave encashment under consideration in the present writ petition is a matter for decision by the Deputy Development Commissioner, Begusarai. In this regard, he refers to the letter of the Special Executive Officer, Patna dated 04.09.2015 (Annexure-2) addressed to the Deputy Development Commissioner, Begusarai, which in turn refers to the earlier letter dated 27.02.2012 addressed to the Deputy Development Commissioner, Patna (Annexure-A to the counter affidavit).

4. Learned counsel for the State refers to the aforesaid letter dated 27.02.2012 (Annexure-A to the counter affidavit) to submit that the petitioner, an employee of the DRDA, a self administrative agency registered under Societies Registration Act, 1860, was not considered as a government employee.

5. From the submissions of the parties, it appears that the Deputy Development Commissioner, Begusarai is competent to take a decision with regard to the petitioner's claim for payment of leave encashment. Learned counsel for the State has not contended to the contrary.

6. In this view of the matter, this Court is not inclined to enter into the merits of the claim of the petitioner. The Deputy Development Commissioner, Begusarai (respondent no.4) is



directed to consider and decide the claim of the petitioner with respect to leave encashment (earned leave) amount equivalent to salary of 300 days, if pending before him, in accordance with law after grant of an opportunity of hearing to the petitioner expeditiously and in any event within a period of eight weeks hereof.

7. It is also made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID to learned Additional Advocate General-4 not later than by Tuesday 23.06.2020, for its onward transmission to the concerned authority.

8. The writ petition stands disposed of with the aforesaid observations and directions.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22. 06.2020
Transmission Date	

