

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7775 of 2017

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Mahesh Prasad Singh, S/o Late Ramnandan Singh, Resident of Mohalla-
D.V.C. Road, Yarpur, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. District Officer-Cum-Chairman, D.R.D.A, Jamui.
4. Deputy Development Commissioner-Cum-Deputy Chairman, D.R.D.A., Jamui.
5. The Secretary, BISCOMAUN, Bihar, Patna.
6. Special Work Officer, Rural Development Department, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Advocate Mr. Satya Prakash, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, GA-2 Mr. Vijay Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 24-08-2020 Heard Mr. Bindhyachal Singh, learned counsel for the

petitioner and Mr. Vinay Kirti Singh, learned counsel for the

State.

Earlier the Court heard the matter and vide order dated 18.05.2020 has enumerated the grievance of the petitioner in the present writ petition and also the fact that the petitioner has approached this Court 3rd time in the present writ petition. Pursuant to the order dated 18.05.2020, the State has filed counter affidavit and in para 4 to 7 following statements have



been made, which is quoted herein below:

“4. That it is stated that any employee of Government of Bihar are entitled to get leave encashment only 300 days. The petitioner who joined on deputation in D.R.D.A., Jamui prior to he has already been earned Earn leave for 240 days in their parent department. So the D.R.D.A. liable to pay leave encashment for only 60 days (300 days -240 days) it is stated that which are in process for payment by the D.R.D.A. office.

5. That it is stated that as per letter No. 93214 dated 27-02-2012 of Rural Development Department, Govt. of Bihar, Patna there is no provision to pay pension and gratuity to Employee working in D.R.D.A.

6. That it is stated here that as per direction given by the Rural Development Department, Govt. of Bihar, Patna vide letter No. 266543 dated 12-06-2020, Finance Department letter No. 6655 dated 21-07-2011 no deputation allowance are payable to deputed person/employee.

7. That it is stated that the provident fund of the petitioner has already been deposited in petitioner's account.”

Learned counsel for the State submits that provident fund of the petitioner has been deposited in his account. So far as the deputation allowance is concerned, it has been specifically stated that as per direction of the Rural Development Department, deputation allowances are not payable. So far as



gratuity is concerned, it has been specifically stated in the counter affidavit that pension and gratuity are not payable to the employee working in the department of D.R.D.A. However, there is admission on the part of the respondents that the D.R.D.A. is liable to pay 60 days leave encashment and the payment in lieu of leave encashment is in the process.

Considering the fact that the respondent State has admitted the liability to pay 60 days leave encashment to the petitioner, for the period he was worked on deputation in D.R.D.A., the writ petition is disposed of with a direction to the District Officer-cum-Chairman, D.R.D.A., Jamui to ensure payment of the leave, encashment as admitted in the counter affidavit, within a period of 60 days from the date of receipt/production of a copy of this order.

The claim as to payment of deputation allowance is unsustainable for the reasons (a) deputation allowance is not payable in DRDA (b) the issue of deputation allowance was not raised by the petitioner during his deputation in DRDA, Jamui (c) he has raised the issue seven years after his repatriation to the parent department.

So far as gratuity and balance leave encashment as well as other dues are concerned, liberty shall be available to the



petitioner to pursue his remedy before the employer i.e. BISCOMAUN, who shall be under obligation to take appropriate decision with regard to all the admissible dues of the petitioner at the earliest.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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