

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19777 of 2018

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Ram Binay Sharma, son of Manoranjan Sharma, Resident of Village-Sonaut,
P.O.-Goga, P.S. Mufassil, Babhandih Wajirganj, Gaya, Retired Sub-Inspector,
C.I.D. Bihar, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director General of Police, Bihar, Patna
2. The A.D.G., C.I.D., Bihar, Patna
3. The A.D.G., Vigilance Investigation Bureau, Bihar, Patna
4. The Senior Superintendent of Police, Gaya
5. The Superintendent of Police, C.I.D., Bihar, Patna
6. The Superintendent of Police, Vigilance Investigation Bureau, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sharma, Advocate
		Mr. Amresh Kumar, Advocate
For the State		Ms. Divya Verma, AC to AAG 3
For the Vigilance		Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 04-02-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The following reliefs as formulated by the petitioner
have been claimed in the writ petition--

*“(i) For direction to the respondent
authorities to make payment of leave
encashment of 95 days as only 205 days
payment as been in place of 300 days.*

*(ii) For direction of the respondent
authorities to make payment of one month
salary for the financial year 2015-2016
and one month salary for the financial
year 2016-2017 in the light of the*



direction of the Home (Police) Department, Government of Bihar, vide Gyapank No. 4495 dated 30.06.2015 where a direction has been issued for payment of additional one month salary in every year.

(iii) For any other relief and reliefs if petitioner found entitled in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that despite being entitled to leave encashment for 300 days, he has been granted only 205 days' payment and thereby he is entitled to payment for the remaining 95 days towards leave encashment.

4. As regards entitlement to one month's salary for the financial years 2015-2016 and 2016-2017, he invites reference to the letter issued by the Home Department in Memo No. 4495 dated 30.06.2015 (Annexure-2), by which such benefit had been allowed to police officials. It is submitted however, that such claim is being denied for the periods in question as such benefit was conferred to persons in the Vigilance Investigation Bureau by its subsequent Resolution No. 5290 dated 30.06.2017 (Annexure- C/1 to the counter affidavit).

5. Learned counsel for the State invites reference to its counter affidavit, *inter alia*, enclosing the calculation chart of



leave encashment (Annexure-A) to submit that the petitioner is entitled to only 205 days' leave encashment. As regards the payment for one month's extra salary for the two years in question, it is submitted that the petitioner is not entitled to the same as such benefit was made available in respect of Vigilance Investigation Bureau in terms of Resolution No. 5290 dated 30.06.2017, whereas the petitioner had already been transferred out of the Vigilance Investigation Bureau prior thereto on 01.04.2017 itself.

6. Having heard the parties and on a consideration of materials on record, the writ petition is disposed of with a direction to the State to supply a copy of the calculation sheet of leave encashment to the petitioner within a period of two weeks hereof. The calculation shall be finalized after granting the petitioner an opportunity of being heard in the matter, within a period of four weeks thereafter. If any further amount is found due to the petitioner, the same shall be paid within a further period of eight weeks from such determination.

7. As regards the claim for extra one month's salary for the two years in question, the petitioner does not press the issue at this stage and instead seeks liberty to agitate this matter in greater details, and more particularly with reference to the



sustainability of Resolution No. 5290 dated 30.06.2017, in a freshly constituted writ petition for appropriate relief, which is granted.

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

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	05.02.2021
Transmission Date	-

