

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10218 of 2021

Rashik Bihari Mishra, Son of Late Ram Chandra Mishra Resident of Village
and P.O.-Harnatad, P.S.-Laoukriya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-Cum-Commissioner, Environment and Forest Department Government of Bihar, Patna.
2. The Secretary-Cum-Commissioner, Environment and Forest Department Government of Bihar, Patna.
3. The Chief Conservator of Forest-Cum-Managing Director, the Bihar State Forest Development Corporation Ltd. Officer Flat No. K-5, New Punaichak, Patna.
4. The General Manager, Minor Forest Produce Project Circle, Patna Cum IN Charge of North Bihar Circle, the Bihar State Forest Development Corporation Ltd. Officer Flat No. K-5, New Punaichak, Patna
5. The Project Deputy Director, Palamu Forest Project Division, Gadghva.
6. The Bihar State Forest Development Corporation Ltd. Officer Flat No. K-5, New Punaichak, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mr. Tej Pratap Singh, AC to AAG 13
For the Corporation	:	Mr. Ravindra Kumar Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-12-2022

Heard Mr. Rajeev Ranjan, learned counsel appearing on behalf of the petitioner, Mr. Ravindra Kumar Shukla, learned counsel on behalf of the Bihar State Forest Development Corporation Ltd, and Mr. Tej Pratap Singh, learned AC to AAG 13.

2. The present writ application has been filed for the following reliefs:

I.) To issue a writ/Writs, Order/Orders,
Direction/Directions to the respondent authority to



pay leave encashment of the petitioner, who retired on 31.03.2015 from the post of Forest Guard from the office of respondent no. 5.

II.) To issue a writ in the nature of Mandamus commanding and directing the Respondent Authorities to pay 18% interest on leave encashment dues of the petitioner from the date of actual accrual to the date of payment.

III.) To issue a show cause cum explanation from the respondent nos. 3 to 6 why leave encashment of the petitioner, who retired on 31.03.2015 has not been paid till date.

IV.) To issue other direction/directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

3. It is submitted that the petitioner was appointed as a Forest Guard on 23.05.1977 and after attaining the age of superannuation, he retired on 31.03.2015. It is further submitted that even after more than seven years of his superannuation, the due amount of leave encashment has not allowed to him, which compelled him to move before this Court by filing the present writ application.

4. At this juncture, Mr. Shukla, learned counsel appearing on behalf of the corporation by referring to paragraph 19 of the counter affidavit submits that a resolution regarding bifurcation of assets and liabilities of Bihar State Forest Development Corporation has been received in March 2022 from



Jharkhand Government. Now the assets and liabilities of Bihar State Forest Development Corporation are duly bifurcated between the state of Bihar and Jharkhand, all the necessary actions are being taken in accordance with the provisions made in both state resolutions and resolution of Finance Department. He further submits that as soon as the necessary actions in accordance with the provisions made in Finance Department resolutions completed, the amount of leave encashment as well as the other dues of the petitioner will be requisitioned/asked from the state government and the payment of the leave encashment of the petitioner will be done on receipt of the same.

5. Learned counsel for the petitioner submits that some of the similarly situated person approached before this Court and their writ application have been disposed of in terms of order passed by this Court in CWJC No. 16236 of 2011, CWJC No. 17424 of 2016, CWJC No. 17304 of 2017, CWJC No. 6328 of 2019 and if the present writ application would be disposed of in terms of the aforesaid order, he would be satisfied.

6. Having heard the learned counsel for the parties and also taking into consideration the stand of the corporation, now there is no impediment in allowing the benefit of due amount under the head of leave encashment to the petitioner, the present



writ application stands disposed of with a direction to the petitioner to approach before the respondent no. 3 for payment of his admissible leave encashment.

7. If such a representation is filed within a period of four weeks from today along with a copy of this order, the same shall be disposed of after taking into consideration the aforementioned orders of this Court, preferably within a period of eight weeks from the date of filing of such representation and ensure payment of admissible amount of leave encashment.

8. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2022.
Transmission Date	NA

