

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11343 of 2021

Arjun Prasad S/o Late Sonu Ram, resident of Village- Madanpur, P.S.-
Vishnupad, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Forest and Environment Department Govt. of Bihar, Patna.
3. The Assistant General Manager, Bihar State Forest Development Corporation Ltd. Sal Seed Project, Patna.
4. The Secretary-cum Commissioner, Environment and Forest Development Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Forest and Environment Department Govt. of Jharkhand, Ranchi.
6. The Secretary-cum Commissioner, Environment and Forest Department, Govt. of Jharkhand, Ranchi.
7. The Managing Director, Bihar State Forest Development Corporation, Ltd. Patliputra Colony, Patna - 13.
8. The Divisional Manager, Minor Forst Procedure Project Division, Gaya.
9. The Managing Director, State Forest Development Corporation Sal Seed Scheme, Doranda, Jharkhand, Ranchi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Mr. Raghwanand, (GA 11)
		Mr. Sanjay Kumar Tiwary, (AC to GA 11)
For the Corporation	:	Mr. Ravindra Kumar Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 20-12-2022

Heard Mr. Vinod Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Ravindra Kumar Shukla, learned
counsel for the Bihar State Forest State Development Corporation
Ltd. and Mr. Sanjay Kumar Tiwary, learned AC to GA 11 for the
State.



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

I.) For issuance of direction commanding the respondents to make payment of leave encashment amount and interest on General Provident Fund Amount of the petitioner.

II.) For payment of interest at the rate of 12% on delay payment from due date till date of payment and cost of litigation.

III.) For any other relief/reliefs for which the petitioner is legally entitled for the ends of justice, if any.

3. It is submitted that the petitioner was appointed as a Orderly on 08.07.1977 and after attaining the age of superannuation, he retired on 08.07.2017 from the post of Field Produce Overseer. It is further submitted that even after more than five 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 persons 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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2022.
Transmission Date	NA

