

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11786 of 2021

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Md. Jamaluddin Ansari Son of Md. Ajimuddin Ansari resident of village-
Haripur Bardahi, P.s.- Sikta, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary cum Commissioner, Environment and Forest Department, Patna, Bihar
2. The Chief Conservator of Forest cum Managing director, Bihar State Forest Development Corporation Ltd., Officers Flat No. K-5 and 6, New Punaichak, Patna-23
3. The Principal Secretary, Environment Forest and Climate change, Department, Sinchai Bhawan, Secretariat, Patna
4. Bihar State Forest Development Corporation Ltd. Officers Flat No. K-5 and 6, New Punaichak, Patna- 23

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Verma, Advocate.
For the Respondent/s	:	Mr.Lalit Kishore (Ag)
For the Corporation	:	Mr. Ravindra Kumar Shukla, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-11-2022 Heard Mr. Uma Shankar Verma, learned counsel for

the petitioner, Mr. Ravindra Kumar Shukla, learned counsel for

the Corporation and learned counsel for the State.

The present writ application has been filed seeking
following directions:-

(i) To pay the leave encashment for 300 days as per
rules of total length of service with effect from the date of
superannuation on 30.04.2012 of Rs. 1,33,720/- in pursuance of
notification of Finance Department dated 22.06.2016 as revised
rate of dearness allowance of 245%.



(ii) To holds the order passed by this Hon'ble High Court in CWJC NO. 16236 of 2011 dated 15.12.2015 in Kailash Singh case by which the Hon'ble High Court directed the respondents to pay the leave encashment amount to the petitioner in the light of the direction of the Finance Department, who allowtted fund of Rs. 10,00,00,000/- (Ten Carores) on the recommendation of the Managing Director/Administrator of the Corporation.

(iii) To holds and another orders passed in CWJC NO. 17424 of 2016 and CWJC NO. 17304 of 2017 dated 12.04.2017 and 16.01.2019.

(iv) To hold the letter of approval passed by Joint Secretary, Forest Department in CWJC NO. 17424 of 2016 Bakshi Shyam Saran Sinha case disposed off on 12.04.2017, by which the Joint Secretary, Forest Department sent a letter to Accountant General, Bihar for approval of amount of Rs. 2,83,500/- dated 12.09.2017 for the payment to Bakshi Shyam Saran Sinha.

It is submitted that the petitioner was superannuated on 30.04.2012 while working in the Department of Bihar Forest Development Corporation Ltd. Patna, however, even after lapse of more than a decade, the full and final settlement of his retiral



dues have not been paid.

Learned counsel appearing on behalf of the State submits that the Finance Department, Government of Bihar has directed not to disburse any amount till bifurcation of the respondent, Bihar State Forest Development Corporation Ltd. takes place.

However, learned counsel for the petitioner has drawn the attention of this Court towards para. 8 of the writ application, which facts have also been admitted in para. 6 and 7 of the counter affidavit filed on behalf of respondent nos. 3 to 5 showing other similarly situated persons, who have approached before this Court, their writ applications were disposed of with a direction to the respondent-Corporation to ensure payment of earned leave to them within a certain time frame. It is also submitted that the answering respondents have accepted the claim of the petitioner and stated that the Corporation is taking all possible steps at its own level for payment of leave encashment of the petitioner and for this necessary funds have been demanded from the State Government. It is further contended that if the writ petition would be disposed of in terms of the similar orders passed by this Court in C.W.J.C. No. 16236 of 2011, C.W.J.C. No. 17424 of 2016, C.W.J.C. No. 17304 of



2017 and C.W.J.C. No. 6328 of 2019, the petitioners would be satisfied.

Learned counsel for the respondents have no objection and moreover they do not controvert the position that the aforementioned orders have been passed in respect to similarly situated persons.

In view of the aforementioned submissions made on behalf of the parties and the materials available on record, the writ application is disposed of with liberty to the petitioner to approach the respondent no.3 for redressal of their grievances and, in case, an appropriate application 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.

Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

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