

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12273 of 2021

Ashok Kumar Son of Shyam Keshwar Prasad Sharma Resident of Flat No. 131, D.D.A., Pocket-1, P.S. Sector-9, Dwarka, Bagdola, District - South West Delhi, Delhi-110077.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Science and Technology Department Government of Bihar, Technology Bhawan, Bailey Road, Patna.
2. The Principal Secretary-cum-Vice Chairman Science and Technology Department, Government of Bihar, Technology Bhawan, Bailey Road, Patna.
3. The Secretary, Executive Committee - Cum - Director, Science and Technology, Bihar Council of Science and Technology, Technology Bhawan, Bailey Road, Patna.
4. Project Director, Bihar Council of Science and Technology and Bihar Remote Sensing application Centre, Planetarium Complex, Patna.
5. Assistant - Cum - Accountant, Bihar Remote Sensing Application Centre, Planetarium Complex, Patna-1.
6. Senior Assistant Bihar Council of Science and Technology, Planetarium Complex, Patna-1.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate
For the Respondent/s : Mr. Ajay (GA5)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-11-2022

Heard Mr. Raj Nandan Prasad, learned counsel appearing on behalf of the petitioner and the learned counsel for the State through video conferencing.

The present application has been filed seeking a direction upon the respondents to ensure the payment of gratuity, Group Insurance and Leave Encashment along with up-to-date statutory interest.



Learned counsel for the petitioner submits that during the pendency of the present writ application, the amount of gratuity and Group Insurance have stood paid to the petitioner. However, till date, the leave encashment has not been paid to the petitioner, though the petitioner tendered his resignation way back on 09.10.2005 and the same was approved by the letter issued by the respondent no. 4 dated 28.12.2006. He further submits that the case of the petitioner is squarely covered by the judgment rendered by the learned Division Bench of this Court passed in LPA No. 1522 of 2017 “Dr. Rana Ran Keshri Singh Vs. State of Bihar and Ors.”. He further relied upon one another Division Bench’s judgment of this Court in the case of “M. Srinivasan Vs. State of Bihar” in LPA No. 1524 of 2017. It is submitted that if the case of the petitioner would be disposed of in terms of the Order passed by the Division Bench of this Court, as stated above, he would be satisfied.

On the other hand, learned counsel for the State has submitted that the petitioner may be given liberty to approach before the competent authority by filing a representation.

Having heard the learned counsel for the parties and the materials available on record, the present writ application is disposed of with a liberty to the petitioner to file a representation



before the respondent no. 4 for ventilating his grievance with regard to the payment of leave encashment. If such a representation is filed within a period of four weeks from today, the respondent no. 4 shall consider the same in the light of the aforementioned Division Bench order/judgment and if the case of the petitioner is found identical to other similarly situated person, in whose favor the judgment has been passed, similar reliefs would be granted to the petitioner, preferably within a period of six weeks, thereafter.

Accordingly, the present writ application stands disposed of with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2022.
Transmission Date	NA

