

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.226 of 2021

- 1.1. Raseela Devi, W/o Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
- 1.2. Dhananjay Kumar, Son of Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
- 1.3. Devanand Kumar, Son of Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
- 1.4. Praveen Shankar, Son of Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
- 1.5. Sushma Kumari, D/o Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
- 1.6. Arti Kumari, D/o Late Lalan Ram, R/o Rajiv Nagar, Road No.15-E, P.S.- Rajiv Nagar, District- Patna.
2. Satyadeo Sharan Sah, S/o Late Ram Janam Sah, r/o village- Mastichak, P.S.- Dariyapur, District- Chhapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-Commissioner, Environment and Forest Department, Bihar, Patna
2. Secretary-cum-Commissioner, Environment and Forest Department, Bihar, Patna
3. Bihar State Forest Development Corporation Ltd. through its Chief Conservator of Forest-cum-Managing Director, Officers Flat Nos. K-5 and 6, New Punaichak, Patna
4. Chief Conservator of Forest -cum-Managing Director, Bihar State Forest Development Corporation Ltd. Patna, Officers Flat Nos. K-5 and 6, New Punaichak, patna
5. General Manager, Minor Forest Produce Circle-cum in Charge of North Bihar Circle, Forest Development Corporation Ltd., Officers Flat Nos. K-5 and 6, New Punaichak, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Sanjay Kumar Tiwari, AC to GA-11
For the Corporation	:	Mr. Ravindra Kumar Shukla, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-11-2022



Heard Mr. Baidya Nath Thakur, learned counsel for the petitioners, Mr. Sanjay Kumar Tiwari, learned AC to GA-11 and Mr. Ravindra Kumar Shukla, learned counsel for the Corporation.

2. The present writ application has been filed directing the respondent, Chief Conservator of Forest -cum-Managing Director, Bihar State Forest Development Corporation Ltd. Patna to pay the amount of earned leave at the rate of Rs.1,11,570/- and Rs.1,63,320/- to the petitioners respectively.

3. The original petitioner no.1, namely, Lalan Ram, superannuated from the post of driver and petitioner no.2, namely, Satyadeo Sharan Sah, superannuated from the post of Daftari, while working in the Department of Bihar Forest Development Corporation Ltd., Patna on 31.07.2010 and 31.03.2012 respectively.

4. 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.

5. However, learned counsel for the petitioners 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 petitioners and stated that the Corporation is taking all possible steps at its own level for payment of leave encashment of the petitioners 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.

6. 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.

7. 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 petitioners 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.

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

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2022
Transmission Date	NA

