

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1053 of 2021

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Kameshwar Prasad son of Late Brij Kumar Prasad resident of Village - Banuchhapar, hajma tola, Ward No. 02, P.S. - Bettiah Town, Distrcit- West Champaran at Bettiah.

... .. 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, 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.
5. Forest Officer, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-07-2022 The present writ petition has been filed seeking the following reliefs:-

"(i) To pay the leave encashment of 300 days of total length of service with effect from the date of superannuation on 30.11.2016 of Rs. 2,35,460/- in pursuance to notification of Finance Department dated 22.6.2016 at the rate of dearness allowances of 245%.

(ii) To hold 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 allotted fund Rs. 10,00,00,000/- (Ten Crores) on the recommendation of the Managing Director/Administrator of the Corporation.

(iii) To hold the another orders passed in CWJC No. 17424 of 2016 and CWJC No. 17304 of 2017 dated 12.4.2017 and 16.1.2019.

(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 12.4.2017, by which the Joint Secretary, Forest Department sent a letter to Accountant General, Bihar for approval of amount of Rs. 2,83,500/- dated 12.9.2017 for the payment to Bakshi Shyam Saran Sinha, the present petitioner is also entitled the benefit of leave encashment



amount."

Though the learned counsel for the Respondent- Bihar State Forest Development Corporation Limited has opposed the prayer of the petitioner and has submitted that he is not entitled to any relief, but he is not averse to the idea of the petitioner approaching the Respondent No. 2.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to approach the Respondent No. 2 for redressal of his aforesaid grievances and in case, appropriate application is filed within a period of four weeks from today, the same shall be disposed of within a period of twelve weeks, thereafter.

(Mohit Kumar Shah, J)

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