

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6891 of 2021

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Ram Vilash Ram @ Ram Vilas Ram Son of Late Dhora Ram Resident of Village/Mohallah, Sahila Rampur, P.O.- Sahila, Rampur, P.S.- Muzaffarpur, District- Muzaffarpur, Pin code- 843129 (Bihar).

... .. Petitioner/s

Versus

1. Uttar Bihar Gramin Bank Through its Chairman Having its Office at Kalambagh Chowk, Muzaffarpur, -842001 (Bihar).
2. The Chairman Uttar Bihar Gramin Bank, Having its Office at Kalambagh Chowk, Muzaffarpur, -842001 (Bihar).
3. The General Manager (HRD/ Pension) Uttar Bihar Gramin Bank, Having its Office at Kalambagh Chowk, Muzaffarpur, -842001 (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Singh, Advocate.
For the UBGB	:	Mr.Prabhakar Jha, Advocate.
		Mr. Shankar Kumar Thakur, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. Jai Prakash Singh, learned counsel appearing on behalf of the petitioner and Mr. Prabhakar Jha, learned counsel along with Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of Uttar Bihar Gramin Bank.

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

“1. For quashing the letter dt. 16.10.2020 (Annexure-1) issued by the General Manager Uttar Bihar Gramin Bank Respondent No. 3. Whereby the General Manager has rejected the application dt. 15.10.2020 of the petitioner for the payment of leave Encashment, stating therein that the petitioner has been dismissed from bank service by way of penalty and therefore as per regulation 67 of the Uttar Bihar Gramin Bank (officers & Employees) Regulation 2010 petitioner is not entitle for leave Encashment, which is illegal, arbitrary and violation of regulation 61 & 67 proviso 2 of the Service regulation 2010



and Article 300A Constitution of India.

II. For a direction to the Respondent Bank to pay the Leave Encashment accumulated upto 31.08.2015, the date of Retirement of the petitioner, which is part of retiral / terminal dues with 18% interest from the date of retirement till date of actual payment.

III. For any other relief / reliefs as the Petitioner may be entitled for the facts and circumstances of the case.

3. Learned counsel appearing on behalf of the petitioner submits that the relief as prayed for in the present writ petition is covered by the judgment of the Apex Court in the case of **Madhya Bihar Gramin Bank (Now Dakshin Bihar Gramin Bank) & Ors. Vs. Atmesh Kumar Roy (Special Leave Petition (Civil) Diary No(s). 10349 of 2023.**

4. Considering the aforesaid information, the writ petition is disposed of with liberty to the petitioner to approach the concerned authority along with the order of the Division Bench of this court which has been affirmed by the Apex Court in the case of **Madhya Bihar Gramin Bank (Now Dakshin Bihar Gramin Bank) & Ors. Vs. Atmesh Kumar Roy (Special Leave Petition (Civil) Diary No(s). 10349 of 2023.**

5. At this stage, learned counsel appearing on behalf of the Bank submits that the Service Regulation, 2010 don't permit such relief.

6. The concerned respondent is directed to take decision with respect to the claim of the petitioner in light of Madhya Bihar Gramin Bank (supra). In case the petitioner is



entitled for payment of the admissible dues, the same be paid within a period of six weeks from the date of communication of this order.

7. It goes without saying that the petitioner is entitled for interest from the date of retirement till the date of final payment is made under different heads on account of delay in payment.

8. Accordingly, the writ petition, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.10.2023
Transmission Date	N.A.

