

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1138 of 2021

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Dr. Durga Prasad Singh S/o Late Harivansh Narayan Singh Resident of Village and P.O. and P.S.- Sonapur, District- Saran, Presently residing at Mairwa, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Bihar, Patna.
2. The Joint Secretary, Health Department, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Civil Surgeon, Siwan.
5. The Incharge Medical Officer, Primary Health Center, Guthni, Siwan.
6. The District Treasury Officer, Siwan.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Rana Neha Kumari, Adv.
For the State	:	Mr. Niraj Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 11-12-2023

Heard Ms. Rana Neha Kumari, learned counsel appearing on behalf of the petitioner and Mr. Niraj Raj, learned counsel for the State.

2. Learned counsel for the State seeks permission to file counter affidavit. Permission is accorded and the same is taken on record.

3. The petitioner, who superannuated on 31.10.2018 from the post of Medical Officer, Primary Health Centre, Guthni, Siwan, has filed the present writ petition seeking a direction upon the respondents to make payment of all the amounts of earned leave with statutory interest.



4. Learned counsel for the petitioner submits that withholding of earned leave amount without there being any rhymes and reasons is quite inconsistent to the provision prescribed for payment of earned leave. Further submission has been made that initially the official respondents woke up from their slumber when the Accountant General issued a letter dated 01.2.2019 to the respondent no. 2 informing him that the petitioner is also entitled for the amount of earned leave for 300 days on the date of his retirement. Consequent thereupon, vide letter dated 09.01.2021, the respondent no. 2 sent a sanction order for grant of pension and gratuity in favour of the petitioner to the Accountant General, Bihar and finally during the pendency of the writ petition, the same has been paid to the petitioner.

5. It is submitted on behalf of the State that during the pendency of the writ petition the entire unutilised earned leave amounts, equivalent to 300 days amounting to Rs.20,51,380/- has been paid to the petitioner through CFMS. He next submitted that the necessary sanction order had already been issued vide Memo No. 651(2) dated 23.06.2021 for making payment of the admissible utilized earned leave and thus there is no laches on the part of the respondent authorities.



6. Considering the limited grievance of the petitioner for interest over the amount of earned leave, this Court deems it proper to dispose of the writ petition with a direction to the petitioner to file an appropriate representation before the Additional Director, Health Services, Government of Bihar, Patna along with the specific particulars showing laches on the part of the respondent authorities in causing the delay in making payment of earned leave.

7. In case such representation is filed, preferably within a period of four weeks from today, the respondent- Additional Director, Health Services, Government of Bihar, Patna shall consider the same and pass a reasoned and speaking order and if the petitioner is found entitled for statutory interest over the delayed payment, the same shall be paid to him.

8. The writ petition stands disposed of with the aforementioned direction and observation.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2023
Transmission Date	

