
(2014) 04 JH CK 0100
In the Jharkhand High Court
Case No : W.P. (S) No. 1403 of 2014

Abani Bhusan Sahu

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 03-04-2014

Acts Referred:

Citation : (2014) 7 AJR 206

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : M.M. Pan and Krishna Nand Sahay, Advocate for the Appellant

Judgement

Aparesh Kumar Singh, J.—The petitioner in WPS No. 1403/14 is said to have retired on 30th April 2012 as an Assistant Teacher of Bethesda Girls High School, Ranchi. The petitioner in WPS No. 1440/14 is said to have retired on 30th November, 2009 as an Assistant Teacher of Prakash High School, Huluhundu, District Ranchi. In the present writ applications, the grievances of the petitioners are in relation to non-payment of leave encashment amount on the earned leave outstanding against their individual name. They have also stated that other post retiral dues have already been paid to the petitioners; and that salary and the post retirement benefits of these petitioners have been paid out of the grant-in-aid provided by the State Government.

2. Counsel for the petitioners submits that though, the claim of the individual petitioner was resisted earlier by the respondent-State Government, but the issue has now been settled in view of the judgment rendered by the learned Division Bench of this Court in the case of Mariyam Tirkey v. The State of Jharkhand and others in WPS No. 50672013 and analogous cases dated 3rd January, 2014 which has also been reported in Mariyam Tirkey Vs. The State of Jharkhand and Others, . According to the petitioners, the writ petitions may be disposed of in view of the judgment rendered as aforesaid by the learned Division Bench by directing the respondents to pay the earned leave encashment amount to the petitioners.

3. Counsel for the State does not dispute that the aforesaid issue relating to admissibility of the earned leave encashment amount to the teachers of Non-Government/Aided Minority School has now been decided by the judgment rendered in the case of Mariyam Tirkey Vs. The State of Jharkhand and Others, .

4. Having heard learned counsel for the parties, in such circumstances. The writ petitions are being disposed of by directing the respondent No. 2 - District Education Officer, Ranchi to take a decision in the matter of grant of leave encashment amount to the individual petitioner after due scrutiny of the relevant service records of the individual petitioner and in view of the judgment rendered in the case of Mariyam Tirkey Vs. The State of Jharkhand and Others, within a period of ten weeks from the date of receipt of a copy of this order along with the representation on behalf of the individual petitioner. The writ petitions are accordingly disposed of.