
(2021) 03 JH CK 0086
In the Jharkhand High Court
Case No : Writ Petition (S) No. 281 of 2021

Indra Deo Jha

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0086

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Navneet Toppo, Vijayant Verma

Final Decision : Disposed Of

Judgement

Heard Mr. Navneet Toppo, learned counsel for the petitioner and Mr. Vijayant Verma, learned counsel for the respondent-State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for a direction to make payment of leave encashment for unavailed leave to the petitioner.

The petitioner was appointed by the competent authority of Education Department on 12.01.1979 on the post of Clerk in Khalsa High School, Bank More, Dhanbad. The petitioner has been superannuated on 31.07.2010 from the post of Head Master.

The learned counsel for the petitioner submits that the petitioner has already been superannuated and all the retiral benefits have been paid to the petitioner except the leave encashment. He submits that in view of 'Mariyam Tirkey v. State of Jharkhand and Others' case, the case of the petitioner is fully covered and the petitioner has also filed a representation before the competent authority

which has not been decided as yet.

Mr. Verma, the learned State submits that the petitioner may approach respondent no.3 by way of filing a fresh representation who will consider the case of the petitioner.

In view of the above facts and considering that the petitioner has already retired and one judgment in the case of 'Mariyam Tirkey' (supra) speaks about the leave encashment benefit of the retired employees of the aided schools, the writ petition is being disposed of directing the petitioner to file a fresh representation before the respondent no.3 annexing all the credentials on which the petitioner is relying for such relief including a copy of the aforesaid judgment rendered in case of 'Mariyam Tirkey' (supra) within three weeks.

If such a representation is filed within the aforesaid period, the respondent no.3 shall take a final call on the representation of the petitioner within eight weeks thereafter and will pass a reasoned order.

It is needless to say that if any decision is taken in favour of the petitioner, the benefit of the same shall be provided to the petitioner within six weeks further thereafter.

With the above observation and direction, the writ petition stands disposed of.