
(2016) 05 JH CK 0050
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2299 of 2016

Marianus Ekka

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 04-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 JBCJ 192

Hon'ble Judges : Mr. Pramath Patnaik, J.

Bench : Single Bench

Advocate : Mr. Rajesh Kumar Singh, J.C. to GP-IV, for the Respondent Nos. 1 to 3; Mr. M.M. Pan, Advocate, for the Petitioner

Final Decision : Disposed Off

Judgement

Mr. Pramath Patnaik, J. - In the instant writ application, the petitioner has inter alia prayed for writ/direction to the respondents for payment of leave encashment for un-availed leave on payable amount as the same has not been paid to the petitioner even after retirement of more than 5 years.

2. The facts, as disclosed in the writ application, is that the petitioner was appointed in the year 1981 as Assistant Teacher in St. Meryes High School, Samtoli and retired on 31.05.2010 on attaining the age of superannuation. The school in question from where the petitioner retired is a Government Recognised Minority Aided High School and all the expenses towards payment of salary and retiral benefits of the staff of the school in question is being financed and funded by the State Government from the public exchequer through the respondent no.2.

3. Heard learned counsel for the parties.

4. Learned counsel for the petitioner submits that the grievance of the petitioner lies in a very narrow compass and is squarely covered by the decision of this Court passed in W.P.(S) Nos.506, 509 and 512 of 2013. So far as issue for payment of leave encashment is concerned, petitioner is retired employee of a

Government Recognised Minority Aided High School and the issue is not more res integra, in view of the decision of this Court passed in *Mariyam Tirkey v. State of Jharkhand and Ors.* reported in (2014 (1) JBCJ 465) and now upheld up to the Hon?ble Supreme Court vide judgment dated 15.12.2014 passed in Special Leave to Appeal (C) No.(S)20606-20607/2014. Accordingly, the writ petition may be disposed of in view of the decision rendered for payment of the leave encashment amount to the petitioner. The petitioner has submitted representations vide Annexures-4 to the respondent no.3 but the said representation has not evoked any response till date.

5. Mr. Rajesh Kumar Singh, learned J.C. to GP-IV appearing for respondent Nos. 1 to 3 does not dispute that the aforesaid issue relating to admissible leave encashment to the teachers of the non- Government minority aided school which has been decided by the judgment rendered in the case of *Mariyam Tirkey* (supra) and affirmed up to the Hon?ble Supreme Court.

6. Having heard learned counsel for the parties, in such circumstances, the writ petition is disposed of directing respondent nos.2 and 3 to take decision in the matter for grant of leave encashment amount after due scrutiny of the relevant service records of the petitioner, in view of the judgment rendered in the case of *Mariyam Tirkey* (supra) within a period of twelve weeks from the date of receipt of a copy of the order along with the representation on behalf of the petitioner.

7. Accordingly, the writ petition stands disposed of.