

(2016) 05 JH CK 0051
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2109 of 2016

Parmanand Dubey

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 04-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 JBCJ 201

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

Bench : Single Bench

Advocate : M/s. M.M. Pan and Krishna Nand Sahay, Advocates, for the Petitioner; Mr. Rahul Kamlesh, J.C. to S.C. II, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Pramath Patnaik, J. - Heard Mr. Krishna Nand Sahay learned counsel for the petitioner and Mr. Rahul Kamlesh, learned J.C. to S.C. II appearing for the respondents-State.

2. The petitioner is said to have retired on 31.07.2009 as Assistant Teacher from St. Anne's Girls High School, Ranchi. It is the contention of the petitioner that the school in question is an Aided Minority High School and all expenses towards payment of salary and retirement benefits of the school employees has been funded by the State Government from the public exchequer. The petitioner is also getting pension on the basis of the pension payment order issued by the office of the Accountant General.

3. In the present writ application, the grievance of the petitioner is in relation to non-payment of leave encashment amount on the earned leave outstanding against him. He has also stated that other post retiral dues have already been paid and that salary and post retirement benefit have been paid out of grant-in-aid provided by the State Government.

4. Mr. Krishna Nand Sahay, learned counsel for the petitioner submits that

though, the claim of the 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 & others in W.P.(S) No. 506 of 2013 and analogous cases dated 3rd January, 2014 which has also been 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. According to the petitioner, the writ petition may be disposed of in view of the judgment rendered as aforesaid by the learned Division Bench and affirmed up to the Hon''ble Supreme Court, by directing the respondents to pay the earned leave encashment amount to the petitioner.

5. Mr. Rahul Kamlesh, learned J.C. to S.C. II appearing for the respondents-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 (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 being disposed of by directing the respondent no. 3, District Education Officer, Ranchi to take a decision in the matter of grant of leave encashment amount to the petitioner after due scrutiny of his relevant service records and in view of the judgment rendered in the case of Mariyam Tirkey (Supra) 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 petitioner.

7. The writ petition is accordingly disposed of.