

Anand Masih Topno Vs The State of Jharkhand

Court: Jharkhand High Court

Date of Decision: Aug. 4, 2014

Citation: (2014) 4 JLJR 1

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: M.M. Pan, Advocate for the Appellant

Judgement

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Aparesh Kumar Singh, J.

Heard learned counsel for the parties.

The petitioner in WP(S) No. 3116 of 2014 is said to have retired on 30.9.2002 as an Assistant Teacher of Gossner High School, Ranchi, a

Government recognized Minority Aided School. The petitioner in WP(S) No. 3217 of 2014 is said to have retired on 31.1.2004 as an Assistant

Teacher of the same School.

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 vs.

The State of Jharkhand and Others in WP(S) No. 506/2013 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 (supra). 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 (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 individual petitioner.

The writ petitions are accordingly disposed of.