

Patras Dang and Another - Petitioners @HASH State of Jharkhand and Others

Court: JHARKHAND HIGH COURT

Date of Decision: May 19, 2016

Citation: (2016) 4 JCR 195

Hon'ble Judges: Pramath Patnaik, J.

Bench: Single Bench

Advocate: Kripa Shankar Nanda, Advocate, for the Petitioners; Amit Kumar, JC to GP-II, for the Respondents

Final Decision: Disposed Off

Judgement

Pramath Patnaik, J. - Heard learned counsel for the parties.

2. Learned counsel for the petitioners submitted that the petitioners are retired teachers of Minority Primary/Middle School, details of the individual

are being shown in the chart given below :

Sl. No. Name of Teacher Name of Circle Date of Date of Retirement

School appointment

1. Patras Dang R.C. Boys Jaldega 17.8.1978 31.5.2008

Middle School,

Kuturgia,

Simdega

2. Barous Xaxa Sahayta Prapt Simdega 10.7.1985 30.11.2010

Primary

School,

Katasaru,

Simdega

3. It is the contention of the petitioners that the schools in question are Aided Minority Schools and all expenses towards payment of salary and

retirement benefits of the school employees is funded by the State Government from the public exchequer. The petitioners are also getting pension

on the basis of the pension payment order issued by the office of the Accountant General.

4. In the present writ application, the grievance of the petitioners is in relation to non-payment of leave encashment amount on the earned leave

outstanding against them. They have 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.

5. Mr. Kripa Shankar Nanda, learned counsel for the petitioners submits that though, the claim of the petitioners 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 2014 (2) JCR 182 (Jhr) : 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 Social Leave to Appeal (C) No(s) 20606-20607/2014. According to the petitioners 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.

6. Learned counsel appearing for the respondent-State does not dispute that the aforesaid issued 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.

7. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent Nos. 2 and

3, to take a decision in the matter of grant of leave encashment amount to the petitioners after due scrutiny of their 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 petitioners.

8. The writ petition is accordingly disposed of.