

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.784 of 2017

1. Brother Cyril Lakra, son of Late Alois Lakra,
resident of village & P.O. Lachragadh, P.S. Kolebira, District-Simdega, Pin-
835201, Jharkhand.

2. Oteren Demta, wife of Late Domnik Surin, residing at Railway Colony,
Chanakiya Nagar, P.O. & P.S. Chutia, District-Ranchi, Jharkhand.

3. Rosa Beck, wife of late Francis Stephin Beck, residing at 315 Shukla
Colony, Indira Path, Hinoo, P.O. & P.S. Doranda, District-
Ranchi, Jharkhand.

..... Petitioners

Versus

1. State of Jharkhand

2. Secretary, School Education & Literacy Development Department,
Govt. of Jharkhand, Project Bhawan, P.O. Dhurwa, P.S. Jagarnathpur,
District-Ranchi, Jharkhand.

3. Director, Primary Education, School Education and Literacy Department,
Project Bhawan, P.O. Dhurwa, P.S. Jagarnathpur, District-Ranchi,
Jharkhand.

4. District Superintendent of Education, Ranchi, P.O. GPO, P.S. Kotwali,
District-Ranchi, Jharkhand.

..... Respondents

CORAM: HON'BLE MR. JUSTICE PRAMATH PATNAIK

For the Petitioner : Mr. C. Mukherjee, Advocate

For the Respondents : J.C. To G.P.I

02/28.02.2017 The petitioner no.1 is said to have retired on 28.02.2014, petitioner no.2 retired on 30.09.2012 and petitioner no.3 retired on 31.01.2008 as Teachers from the services of respondent-St. Aloysius Middle School, Ranchi. It is the contention of the petitioners that the school in question is a Non-Government aided Minority School and all expenses towards payment of salary and retirement benefits of the school employees have been funded by the State Government from public exchequer. They are also getting pension on the basis of the Pension Payment Order issued by the office of the Accountant General.

2. In the present writ petition, 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.

3. 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

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judgment rendered by the learned Division Bench of this Court in the case of '**Mariyam Tirkey Vrs. 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 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 petitioners.

4. Learned counsel appearing for the Respondent-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.

5. Having heard learned counsel for the parties, in such circumstances, the writ petition is being disposed of by directing the respondent no. 4 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 of the petitioners.

6. The writ petition is accordingly disposed of.

(Pramath Patnaik, J.)