
(2026) 02 JH CK 1770
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3520 Of 2021

Binay Kumar Thakur

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-02-2026

Acts Referred:

Citation : (2026) 02 JH CK 1770

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Ranjan Prasad Sinha, Vandana Singh, Richa Sanchita

Final Decision : Disposed Of

Judgement

Ananda Sen, J

1. By filing this writ petition, the petitioner has prayed for the following reliefs:-

"for issuance of appropriate writ's, order/s, direction/s for direction upon the respondents to pay benefit of 1st, 2nd & 3rd A.C.P./M.A.C.P. and also grant promotional benefits to the post of Assistant Settlement Officer/Circle Officer in view of Notification issued by Personnel, Administrative Reforms and Rajbhasha Department and revise the pension after giving benefit of A.C.P./M.A.C.P. and promotional benefits with statutory interest.

AND/OR

Further for issuance of a writ in the nature of writ of certiorari quashing the letter no. 2884 dated 18.8.2021 (Annexure-3) whereby the petitioner has been communicated that his claim for grant of ACP/MACP has been rejected on the ground of non-availability of service book, non-verification of service from 1.10.2005 to 30.4.2006 and from 1.3.2015 to 28.2.2017 and non-availability of ACR for the period 1.4.1999 to 31.4.2004 in a most illegal and arbitrary manner".

2. Heard learned counsel representing the petitioner and learned counsel

representing the respondents.

3. The claim of the petitioner for grant A.C.P. / M.A.C.P. has been rejected on the following grounds:-

- (i) original service book of the petitioner was not provided;
- (ii) service verification report for the period 01.10.2005 till 30.04.2006 and from 01.03.2015 to 28.02.2017, has not been provided;
- (iii) the ACR of the petitioner for the period 01.04.1999 till 31.04.2004, for the purpose of granting 1st A.C.P., was not provided.

4. The aforesaid grounds for not extending the benefits of ACP / MACP, cannot be attributed to the petitioner. It is the respondents who are the custodian of the service book. Further, so far as non-verification of service period of the petitioner is concerned, it is the respondents who have to take a decision about the status of the petitioner during the aforesaid period and if at all the petitioner has not worked or found absent for the aforesaid period, that service period should be regularized considering his leave and service law.

4.1. Further, it is the employer-respondent, who has to maintain the ACR of the employee. Non availability of the same cannot be a ground to deprive the petitioner from getting the aforesaid benefits.

4.2. In fact, any of the grounds mentioned in the impugned Letter dated 18.08.2021 rejecting grant of ACP/MACP, which are not attributable to the petitioner, should not come in the way of the petitioner in getting the benefits of ACP/MACP.

5. Thus, the impugned Letter No.2884 dated 18.08.2021 (Annexure-3 to the writ petition), is hereby set aside.

6. However, the matter is remanded back to the respondents to pass a detailed order for grant of ACP/MACP in favour of the petitioner.

6.1. Since admittedly, the petitioner has not got his regular promotion, the respondents will consequently re-fix the pay scale of the petitioner and will pay the arrears accruing thereof.

7. With the aforesaid observation and direction, this writ petition stands disposed of.