

(2016) 11 JH CK 0104
In the Jharkhand High Court
Case No : W.P.(S) No. 1865 of 2015

Bishwanath Prasadi

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 30-11-2016

Acts Referred:

Citation : (2017) 2 JBCJ 210

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Ms. Bharti Kumari, Advocate, for the Petitioner; Mr. Rishikesh Giri, JC to GP-II, for the Respondents

Final Decision : Allowed

Judgement

Shree Chandrashekhar, J.—The grievance of the petitioner is that after serving for about 32 years, his claim for 1st & 2nd A.C.P and 3rd M.A.C.P with consequential benefits has been declined on the ground that his service was not confirmed.

2. Heard.

3. The facts disclosed in the present proceeding presents a peculiar picture depicting indifference of the respondents to the statutory claims of an employee. The petitioner, who was appointed on 10.02.1981 as Temporary Clerk at Tenughat Sub-Registrar's office, received revised pay-scales of Rs.975-1540/- with effect from 01.01.1986, Rs.3050-4590/- with effect from 01.01.1996 on account of Vth pay revision and Rs.5200- 20200/- with effect from 01.01.2006 on account of VIth pay revision, however, he has been denied 1st & 2nd A.C.P and 3rd M.A.C.P on the ground that his service was not confirmed. The petitioner superannuated from service on 30.09.2013 and he has been paid all post retiral benefits. Order dated 20.11.2013 vide Annexure-4-series reflects that his pension has been fixed at Rs.7260/- with effect from 01.10.2013. He has been paid Rs.4,48,305/- on account of Gratuity. His service Book which was opened by

the Department reflects the aforesaid pay-revisions granted to him. Though in the counter-affidavit, the respondents have taken a stand that the petitioner was appointed to the post of Additional Temporary Clerk on temporary basis, the fact remains that he has been paid all other service benefits. It has not been asserted by the respondents that there is no regular post of Additional Temporary Clerk. On admitted facts, it must be inferred that the Department treated the petitioner, as a confirmed employee.

4. In the light of the aforesaid facts, which are not disputed by the respondents in the counter-affidavit, the Court is inclined to issue a direction to the Principal Secretary-cum-Inspector General, Registration, Government of Jharkhand to pass order of confirmation of the petitioner's service, forthwith. The claim of the petitioner for grant of 1st & 2nd A.C.P and 3rd M.A.C.P shall be considered within 6 weeks, by the Establishment Committee and appropriate recommendation shall be forwarded to the competent authority.

5. On grant of A.C.P/M.A.C.P, consequential benefits shall be granted to the petitioner, expeditiously.

6. The writ-petition stands allowed, in the aforesaid terms.