

(2008) 07 JH CK 0083
In the Jharkhand High Court

Harish Chandra Jha

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 17-07-2008

Acts Referred:

Citation : (2008) 3 JCR 499

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Heard the counsel for the parties.

2. In this writ application, the petitioner has prayed for issuance of a direction on the respondents to grant additional increment to the petitioner in accordance with the Circular dated 26.11.1990 issued by the Personnel and Administrative Reforms Department, under which one additional increment is to be given to the Government servants who have undergone family planning operation.

3. The contention of the petitioner is that his wife had undergone tubectomy operation on 16.6.1995 under the family planning scheme, as she was already blessed with two sons and she did not want any further children. The petitioner applied before the appropriate authority on 19.7.1995 invoking the provision of the aforesaid Circular issued by the Department of Personnel and Administrative Reforms and claimed one additional increment. The requisite medical certificate was also annexed to the application filed by the petitioner along with all necessary particulars. The petitioner thereafter issued several reminders till the year 2000. He was informed that his representation was forwarded to the department concerned seeking necessary information and the reply is awaited. It was also made known to the petitioner that a query was made by the respondent No. 3 to the petitioner's superior officer as to whether there was any charge or departmental proceeding against the petitioner and there being no departmental proceedings pending against the petitioner, the respondents should have acknowledged the petitioner's claim and granted him one additional increment according to the Circular.

4. Learned SC 11 for the respondent State submits that counter affidavit has been filed on behalf of respondent No. 5 wherein the facts claimed by the petitioner have been acknowledged, but the liability has been disowned by the respondent No. 5 since the claim made by the petitioner is not concerned with respondent No. 5 and it is entirely and squarely concerned with the Department of Personnel and Administrative Reforms, Government of Jharkhand.

5. It appears from the Annexures annexed to the counter affidavit filed on behalf of the respondent No. 5 that the Addl. D G Police, (Personnel), Jharkhand, Ranchi has also recommended the case of the petitioner to the Personnel and Administrative Reforms Department, Government of Jharkhand, Ranchi, for grant of one additional increment as prayed for by the petitioner. It further appears that the representation of the petitioner has not been disposed of as yet.

6. There is no denial of the fact from the side of the respondents that the petitioner's wife had undergone operation under the family planning scheme and according to the Circular issued by the Government, the Government employees who undergo operation under the family planning scheme are entitled to one additional increment.

Considering the above facts and circumstances of the case, since the petitioner is an employee in the Police Department under the State of Jharkhand, the petitioner is directed to file a fresh representation before the Secretary, Department of Personnel and Administrative Reforms, Jharkhand, Ranchi, and within three months from the date of receipt of the representation, the Secretary, Personnel and Administrative Reforms, Ranchi, shall dispose of the same by an appropriate reasoned order in accordance with law.

7. With the above observation, the application is disposed of.