
(2016) 10 JH CK 0088
In the Jharkhand High Court
Case No : W.P. (S) No. 6452 of 2014

Khirod Sah

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 20-10-2016

Acts Referred:

Citation : (2017) 2 JBCJ 43

Hon'ble Judges : Mr. Pramath Patnaik, J.

Bench : Single Bench

Advocate : Mr. Manoj Kumar Sah, Advocate, for the Petitioners; Mr. Sumir Prasad, S.C.I, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Pramath Patnaik, J.—In the accompanied writ application, the petitioners have inter alia prayed for issuance of direction upon the respondents to make payment of the 1st A.C.P. and the 3rd M.A.C.P. with statutory interest and for direction to the respondents to fix the pension of the petitioners on the basis of the benefit of the 1st A.C.P. and the 3rd M.A.C.P. and also for a direction upon the respondents for payment of the difference of arrears of salary to the petitioners.

2. Heard Mr. Manoj Kumar Sah, learned counsel for the petitioners and Mr. Sumir Prasad, learned S.C. I for the respondent-State.

3. Counter affidavit has been filed on behalf of the respondent no. 4, wherein, it has been submitted that proposal of benefit of the 1st A.C.P. and the 3rd M.A.C.P. was sent before the competent authority vide letter No. 559, dated 09.06.2014 and a reminder to that effect was also sent by the office of the respondent no. 4 vide letter no. 635-1, dated 11.07.2014, but the proposal along with service book has been returned from the authority without any instruction or confirming the same, as evident from Annexure-A & B to the counter affidavit. However, the office of the respondent no. 4 has again sent the said proposal for

confirmation of the 1st A.C.P. and the 3rd M.A.C.P. to the competent authority vide letter no. 828-I, dated 02.07.2015 and it is likely to be confirmed very soon, as evident from Annexure-C to the counter affidavit.

4. During pendency of the writ application, learned counsel for the petitioners vide order dated 14.09.2016 was directed to obtain instructions, as to whether the benefit of the 1st A.C.P. and the 03rd M.A.C.P. has been granted to the petitioners, but on instructions from the petitioners, learned counsel for the petitioners submits that no such benefit has still been accrued to the petitioners.

5. However, Mr. Manoj Kumar Sah, learned counsel for the petitioners submits that if liberty would be given to the petitioners to submit a representation for consideration of the same by the respondents-authorities, then the grievance of the petitioners shall be redressed.

6. Mr. Sumir Prasad, learned S.C. I for the respondent-State does not have any objection to that course of action.

7. In view of the limited grievance of the petitioners and without delving into the merits of the case of the petitioners, with the consent of learned counsel for the respective parties, the instant writ petition is disposed of with liberty to the petitioners to file representation within a period of four weeks from the date of this order and on receipt of such representation, the respondents-authorities and more particularly, the respondent nos. 2 and 3 i.e. the Secretary, and the Director, the Department of Land Reforms, Government of Jharkhand, Ranchi are hereby directed to look into the grievances of the petitioners and pass appropriate orders on its own merits in accordance with law within a period of four weeks after receipt of the representation and the result thereof shall be communicated to the petitioners within a period of two weeks thereafter.

8. It is made clear, if the grievances of the petitioners is found to be genuine and the petitioners are entitled to the grant of the 01st A.C.P. and the 03rd M.A.C.P., the benefit accruing therefrom shall be disbursed to the petitioners and accordingly, their pay shall be revised and consequential revision of pension shall be granted to the petitioners as expeditiously as possible preferably within a period of four months from the date of disposal of the representation and if the petitioners are entitled to any admissible dues flowing from the 02nd A.C.P., the same shall also be paid to the petitioners within the aforesaid period.

9. With the aforesaid direction, this writ petition stands disposed of.