
(2014) 05 JH CK 0024
In the Jharkhand High Court
Case No : W.P.(S) No. 1830 of 2014

Md. Mosaheb Ali

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-05-2014

Acts Referred:

Citation : (2014) 05 JH CK 0024

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Prabhat Kr. Sinha, Advocate for the Appellant; Richa Sanchita, Advocate for AG, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties.

2. The grievance of the petitioner is that the benefits of 1st Time Bound Promotion and 1st and 2nd ACP as also 3rd ACP under the MACP Scheme from the due dates, have not been paid to him even after his retirement.

3. According to him, he was initially appointed as a Extra Clerk in the Registry Office, Hazaribagh in the year 1970 and was taken into regular establishment as Temporary Clerk vide office order contained in Memo No. 1036 (Annexure-1) and was posted in the office of Sub-Registrar, Koderma. According to him, after having served at various places of his posting, he has retired on 31st August 2013 from the post of Clerk in the office of District Sub-Registrar, Hazaribagh after serving for more than 32 years in regular establishment and 10 years as a Extra Clerk. According to the petitioner, he has received all his post retirement benefits. He has also passed all departmental exams by 03rd October 1985 and therefore, it is contended that the petitioner is entitled to the aforesaid benefits. According to him, he has made representation before the concerned respondent vide annexure-5 before coming to this Court, but no decision has been taken.

4. Counsel for the respondent State submits that the writ petition has been taken

up for the first time and in the absence of any instruction, no response on merit can be made at this stage. However, if the petitioner approaches the respondent-Inspector General of Registration, Department of Registration, Government of Jharkhand through proper channel, his grievances can be considered in accordance with law after due verification of relevant service record and the ACP/MACP scheme in vogue.

5. Having regard to the aforesaid facts and circumstances, without making any comments upon the merit of the petitioner's claim, at this stage, the writ petition is being disposed of in the following manner.

i. Let the petitioner represents before the Inspector General of Registration, Department of Registration, Government of Jharkhand through proper channel duly supported with all necessary facts and documents also enclosing a copy of the writ petition within three weeks.

ii. On receipt of such a representation, the Inspector General of Registration, Department of Registration, Government of Jharkhand shall consider the same in accordance with law and after due verification of the service record of the petitioner and the ACP/MACP in question and if necessary, after placing it before the Screening Committee constituted for recommending grant of ACP/MACP, take a decision in that regard within a period of twelve weeks thereafter.

iii. Needless to say, if any of the claims of the petitioner are found to be admissible, necessary consequential benefits of arrears of salary of the petitioner may be released in his favour within the aforesaid time.

iv. If such an exercise entails in any revision in pensionary benefits, respondents should also consider the same.

The writ petition is disposed of.