

(2016) 10 JH CK 0041
In the Jharkhand High Court
Case No : Writ Petition (S) No. 864 of 2016

Md. Shahnawaz

APPELLANT

Vs

Principal Secretary, Personnel, Administrative Reforms &
Rajbhasa

RESPONDENT

Date of Decision : 17-10-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 4 JLJR 518

Hon'ble Judges : Mr. Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. A. Rahman, Advocate, for the Petitioner; Mr. Pankaj Kumar, JC to G.P.VI, for the Respondents

Final Decision : Dismissed

Judgement

Mr. Shree Chandrashekhar, J. - Denial of benefits under ACP/MACP on completion of statutory period from the date of his initial joining in the service, has brought the petitioner before this Court. Specific challenge thrown by the petitioner is, to order contained under Memo dated 08.01.2016, where under he has been informed that ACP/MACP benefits would be granted to him from the date of passing of the Final Departmental Examination.

2. Heard.

3. The petitioner, who was appointed as a Clerk on 17.11.1995 and was posted in the Dumka Collectorate, passed Hindi Noting and Drafting Examination which was held on 19.04.1998. He has claimed that he passed the 1st and 2nd half yearly Accounts Examination of 1st paper of the Final Level and 2nd paper in the Preliminary/Primary Level Examinations which were held on 5th and 6th September 1998, however, he was denied benefits of 1st and 2nd ACP, as he did not clear 2nd paper of Final Level Accounts Examination.

4. The learned counsel for the petitioner submits that the petitioner was entitled

for time-bound promotion on completion of 12 years of service and on introduction of ACP/MACP schemes also he was entitled for benefits under those schemes, however, such benefit has been denied to him arbitrarily.

5. The learned State counsel referring to various paragraphs of the counter-affidavit filed on behalf of respondent nos.24 submits that the claim raised by the petitioner is de hors the ACP/MACP schemes. The learned State counsel places reliance on Resolution dated 21.05.2014 of the Finance Department, Government of Jharkhand.

6. Government Resolution dated 21.05.2014 has been issued under the orders of the Governor of the Jharkhand. It has thus acquired the status of Government decision under Article 162 of the Constitution of India. The aforesaid Government Resolution lays down an elaborate procedure for calculating the length of service for grant of ACP/MACP benefits. In cases in which a candidate has passed the departmental examination not in time such a candidate would be granted benefit under ACP/MACP in terms of Clause (ga) of Para 5(x). The petitioner has not thrown challenge to the aforesaid Government Resolution dated 21.05.2014. In the counter-affidavit, the respondent-State has stated that the petitioner would be granted benefits of ACP/MACP from 24.08.2011, which is the date on which he passed the Final Level Departmental Accounts Examination. The impugned letter dated 08.01.2016 has been issued in terms of the aforesaid Government Resolution dated 21.05.2014. The claim of the petitioner that he should be granted benefits under ACP/MACP on the basis of length of service, calculated from the date of his initial joining in service, is de hors the aforesaid Government decision.

7. Considering the aforesaid facts, I find no merit in the writ petition and accordingly, it is dismissed.