
(2022) 12 JH CK 0005
In the Jharkhand High Court
Case No : Writ Petition (S) No. 3054 Of 2012

Narayan Singh

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 07-12-2022

Acts Referred:

Citation : (2022) 12 JH CK 0005

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Sanjeev Thakur, Rahul Saboo, Kunal Chandra Suman

Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.
2. Learned counsel for the petitioner submits that the petitioner along with others had filed one writ petition being W.P. (S) No. 1232 of 2009 seeking a mandamus upon the respondents to decide the claim of the petitioner with regard to benefit of ACP. He submits that it has also been recorded in the order passed in the writ petition that representation was pending before respondent No. 2 of the said case and that respondent No. 3 of the said case had already recommended the case of the present petitioner before the respondent No. 2 and had sent all the necessary papers including the service records of the petitioners to respondent No. 2 but no final decision was taken. The writ petition was disposed of with direction to take appropriate decision within a time frame.
3. On account of non-compliance of the order passed by the writ court, Contempt Case (Civil) No. 702 of 2011 was filed and in the meantime, the petitioner retired on 31.07.2011. Learned counsel submits that during the pendency of the contempt petition an order dated 13.01.2012 was passed wherein some of the persons were granted exemption from passing of the departmental examination, but the name of the petitioner did not figure amongst them only on the ground that he had already retired.

4. It is pointed out by the learned counsel for the respondents that as per the circular of 1992 the exemption is to be granted from the date such order of exemption is issued.

5. It is not clear from the records of this case as to whether any application was filed by the petitioner seeking exemption from passing the departmental examination and it is not clear as to whether the persons who were granted relief vide impugned order had also applied for grant of exemption from passing the examination.

6. Learned counsel for the respondents is directed to seek instruction and file supplementary counter affidavit to clarify the aforesaid position by 05.01.2023.

7. Post this case on 06.01.2023.