
(2013) 09 JH CK 0023
In the Jharkhand High Court
Case No : WP (S) No. 3814 of 2011

Om Prakash Dubey

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-09-2013

Acts Referred:

Citation : (2013) 09 JH CK 0023

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Vijay Kumar Gupta, for the Appellant;

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner has approached this Court with a grievance that because of absence of his service book at the present place where he is working as Block Statistical Supervisor in the Health Department, the respondents authorities, under whom the petitioner is working, have not granted benefit of A.C.P. scheme, which is due from the effective date as also consequential benefits and arrears arising there from.

2. It is the case of the petitioner that he was appointed as Block Statistical Supervisor on 17.09.1983. Upon bifurcation of parent's State of Bihar, his services been allotted to the successor State of Bihar where he had submitted his joining on 19.12.2001 and has been continuing on the said post under the respondents at Mandar in the District of Ranchi. However, in terms of A.C.P., which has been notified by the respondents themselves, the petitioner is entitled to such benefit upon completion of 12 years service from his initial date of appointment, which has, however, not been granted in absence of his service book.

3. Statements have been made on behalf of the respondent-State of Bihar that the service book of the petitioner has been recasted and the same has been sent

to the controlling authority in the State of Jharkhand.

4. In such circumstances, the petitioner submits that the competent authority, under whom the petitioner is working, be directed to take into account the recasted service book and grant him the benefits of A.C.P. to which he is entitled in accordance with law.

5. Having heard learned counsel for the parties, it, therefore, appears that the grievances of the petitioner relating to grant of A.C.P. can now be effectively addressed on the reconstruction of the service book, which has been sent by the counter part of the State of Bihar to the controlling authority in the State of Jharkhand, where the petitioner is working.

6. Therefore, this writ petition is disposed of by directing the respondent No. 2, the Director, Economics and Statistical Directorate Planning and Welfare Department, Govt. of Jharkhand to take a final decision in the matter of grant of ACP to the petitioner in accordance with law after due verification of the service records within a period of 12 weeks from the date of receipt of a copy of this order. In case the petitioner is found entitled to grant of such benefit of A.C.P., the same shall be disbursed to him along with arrears within a further period of eight weeks thereafter.

7. Further grievance of the petitioner is that arrears of salary for certain period is also outstanding in the absence of his service book.

8. In such circumstances the petitioner may make a claim before the respondent No. 2 for releasing of such arrears of salary by filing a representation along with a copy of this order. The respondent No. 2 shall also consider the claim of arrears of salary within the same period and take an appropriate decision in accordance with law after verification of service record of the petitioner. This writ petition is, accordingly, disposed of.