

Abu Zafir Ansari Vs State Of Jharkhand

Court: Jharkhand High Court

Date of Decision: Jan. 15, 2025

Hon'ble Judges: Anubha Rawat Choudhary, J

Bench: Single Bench

Advocate: Ravi Prakash Mishra, Munna Lal Yadav, Rahul Dev

Final Decision: Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Heard the learned counsel appearing on behalf of the parties.

2. This writ petition has been filed for the following reliefs: -

A. "For an appropriate Writ [s] in the nature of Certiorari, to quash and cancel the part of the Minutes of the letter Ref: 1/Court-175/2011-3035 dated

25.10.2011 whereby it has been observed that the period spent in the service of the State Food & Civil Supplies Corporation shall not be counted for the purpose

of grant of benefit of ACP/MACP and the period of service of the persons like the petitioner will be counted only from the date of joining in the District Consumer

Forum pursuant to absorption of their services in the District Consumer Forum.

B. Be further please to quash the part of the minutes of meeting dated 19.03.2016 of the District Establishment Committee, Ranchi whereby following the letter

No.3035 dated 25.10.2011, it was decided that there is no need to revise the benefit of MACP granted to the petitioner;

C. Further, be pleased to issue a Writ of Mandamus commanding upon the respondents to immediately and forthwith grant all the benefits of ACP / MACP after

reckoning the period spent by the petitioner in the service of the Corporation.

3. The learned counsel for the respondents has referred to the supplementary counter affidavit dated 27.03.2023 and has referred to letter no. 576

dated 02.03.2020 to submit that Joint Secretary, Food, Public Distribution and Consumers Affairs Department, Government of Jharkhand, Ranchi

has directed that A.C.P./M.A.C.P. may be sanctioned to the petitioner Abu Zafir Ansari counting the past service rendered by him in Food and Civil

Supply Corporation with the condition that the same may be affected by the final judgment in LPA No. 322 of 2013 filed by the respondents. The

learned counsel has fairly submitted that LPA No. 322 of 2013 has been ultimately dismissed.

4. The learned counsel for the petitioner submits that there is no impediment in passing appropriate direction with regard to payment of monetary

benefit arising out of the claim of MACP and ACP to the petitioner which stands admitted by the respondents.

5. Considering the aforesaid submissions and as per the supplementary counter affidavit filed by the respondents, a decision was already taken to

grant ACP/MACP by taking into consideration the past period of service but the same was kept subject to LPA No. 322 of 2013. A final order

passed in the LPA along with analogous cases has been placed before this court which reveal that the LPA has been dismissed.

6. In view of the aforesaid facts and circumstances, the entitlement of the petitioner of ACP and MACP by taking into consideration the past period

of service is not in dispute.

7. Accordingly, this writ petition is disposed of directing the respondent no. 4 to pass appropriate order in connection with claim of the petitioner with

respect to ACP/MACP by taking into consideration his past period of service and pass appropriate order so that the monetary benefit arising out of

the same be also remitted to the petitioner within a period of three months from the date of filing of the representation by the petitioner along with a

copy of the records of this case before the respondent no. 4, the authority before whom the petitioner had filed representation for consideration of his

claim.

8. This writ petition is disposed of in the aforesaid terms.