

Jai Prakash Narayan Singh Vs The State of Jharkhand

Court: Jharkhand High Court

Date of Decision: July 1, 2014

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Anjani Kr. Verma, Advocate for the Appellant

Final Decision: Dismissed

Judgement

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

2. The petitioner is said to have retired on 31.3.2010 from the post of Sub Inspector(Operator) under the Jharkhand Police. He had joined the

Police Wireless on 13.9.1973 and have got the benefits of first and second A.C.P. under the A.C.P. scheme of Government of Jharkhand. Just

before his retirement he was sent for Grade I training which remained incomplete due to his retirement and therefore, he could not appear in the

Grade I examination held on 11.6.2010 to 14.6.2010. This has been the reason for refusal of benefit of third M.A.C.P. to the petitioner as would

be evident from Annexure-4, office order No. 361/2012 issued by the Superintendent of Police, Technical Service and Telecommunication,

Government of Jharkhand. Petitioner has sought to challenge the part of the order which denies him the said benefit. The ground for assailing the

same on behalf of the petitioner is that the respondents are responsible for sending him for training in a belated manner which he could not

complete due to his impending retirement. As such, this should not be made a ground for refusal of M.A.C.P. benefits.

3. Learned counsel for the petitioner has relied upon the provisions of M.A.C.P. scheme dated 1.9.2009 which is annexed as Annexure-D to the

counter affidavit, more specifically clause 20(ga) of the Appendix 1 and submitted that the respondents ought to have granted him the benefit of

third M.A.C.P. on completion of 30 years of his service since he had got the benefits of two A.C.P.s on completion of 24 years of service earlier

and was not granted any regular promotion to the higher post, thereafter.

4. Learned counsel for the respondent-State has relied upon the same M.A.C.P. scheme (Annexure-D) more specifically para 14 of the Appendix

1 under which the petitioner was required to complete the eligibility criteria of passing the Grade 1 examination for availing the said benefit. It is

submitted that batches of such personnel were sent for training of Grade 1 post in terms of their seniority and there has been no discrimination in

the matter vis-a vis the petitioner. Since the petitioner could not appear and completed the Grade 1 training course, he is not entitled to the benefit

of third M.A.C.P. On these grounds the prayer of the petitioner has been resisted.

5. Having heard the counsel for the parties and having regard the averments made in the respective pleadings and the provisions of the M.A.C.P.

scheme Annexure-D to the counter affidavit, it is evident that for availing the benefits of financial up-gradation under M.A.C.P. scheme the

personnel/employee was required to pass the departmental examination for availing the said benefit at the relevant stage of his career. Though the

petitioner got the benefits of first and second A.C.P.s during his service career earlier on completion of 24 years of service but for the grant of

benefit of third M.A.C.P. the petitioner was required to pass the Grade I course, which he admittedly could not complete because of his

retirement. The petitioner, therefore failed to fulfill the necessary laid down criteria under the M.A.C.P. scheme and was not granted the said

benefit by the order impugned at Annexure-4 issued by the Superintendent of Police, Technical Services and Telecommunication.

6. In the facts and circumstance of the case, the petitioner has failed to make out a case for grant of third M.A.C.P. The writ petition is

accordingly, dismissed.