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**(2014) 07 JH CK 0028**

**Jharkhand High Court**

**Case No:** W.P.(S) No. 4097 of 2013

Jai Prakash Narayan Singh

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**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

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### **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.