

(2015) 2 JLJR 307

Jharkhand High Court

Case No: WP(S) No. 3496 of 2013

Sachchidanand Rajak
and Others

APPELLANT

Vs

The State of Jharkhand
and Others

RESPONDENT

Date of Decision: April 8, 2015

Citation: (2015) 2 JLJR 307

Hon'ble Judges: Aparesh Kumar Singh, J

Bench: Single Bench

Advocate: Rohit, for the Appellant; Vaibhav Kumar, Advocates for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Aparesh Kumar Singh, J.

1. Heard learned counsel for the parties. These two petitioners are the employees of the Civil Court, Bokaro, who were granted the benefit of 2nd MACP on provisional basis vide order dated 24.7.2012 and 10.10.2012 respectively (Annexure-5 series) w.e.f. 1.9.2008 in the scale of 9300-34,800/- with a Grade Pay of Rs. 4,600/- by the Principal District Judge, Bokaro. Provisional grant of MACP has, however; been rejected vide impugned order dated 29.1.2013 issued by the Law Department, Annexures-6(a) and 6(b) on the ground that the petitioners did not pass the departmental examination till 1.9.2008 though such examination had earlier been conducted on 24.11.1999 and 17.11.2002. The counter affidavit of the respondent Nos. 2 and 3 i.e. the Law Department, Government of Jharkhand is in support of the impugned order on the same ground as according to them passing of a departmental exam, is must for getting the benefit of ACP/MACP. In para-8 of the same counter affidavit dated 26.8.2014, it has also been stated that the petitioners were given the benefit of MACP after passing of the departmental examination. This is the crux of the matter.

2. Learned counsel for the petitioners has not been able to show that the petitioners had passed departmental examination before the said date of grant of provisional MACP. It, however, appears that these petitioners, earlier in the year 1994, have passed the departmental examination on the subject; the knowledge of drafting of correspondence and order sheets and Practice and Procedure and Civil Court and Criminal Court Rules framed by High Court and Accountancy, which may have been the basis for grant of ACP to the individual petitioners earlier.

3. It is the case of the respondents, as indicated in the impugned order also, that for availing the benefit of MACP the requirement of passing of the Senior Selection Grade department examination is a must, which had also been conducted in the Bokaro Judgeship during the relevant time as already indicated hereinabove. If the petitioners did not clear the said departmental examination by the date on which the grant of 2nd MACP was provisionally issued, they obviously cannot have a legal right to claim the benefit of 2nd MACP w.e.f. 1.9.2008.

4. If on scrutiny of their records, the provisional grant of MACP has not been approved by the Law Department on account of the aforesaid reasons, this Court does not find any infirmity in the impugned orders. However, if the petitioners have passed the departmental examination thereafter as stated in the counter affidavit of the respondents, Law Department and are being paid MACP from the due date thereafter, their grievance relating to grant of MACP obviously have been met. However, this Court is not inclined to interfere with the impugned order for the reasons discussed hereinabove. Accordingly, the writ petition is dismissed.