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Arjun Prasad Singh Vs. Excise Department

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Court : Jharkhand

Decided On : Sep-23-2013

Appellant : Arjun Prasad Singh

Respondent : Excise Department

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(S) No.4397 of 2013 Arjun Prasad Singh .... Petitioner Versus The State of Jharkhand & others ..... Respondents ---------- CORAM: HONBLE MR. JUSTICE APARESH KUMAR SINGH For the Petitioner : Mr. Dhananjay Kumar Dubey For the Respondents : J.C. to G.A. & Mr. Suresh Kumar, S.C. 03/23.09.2013 Heard counsel for the parties. It is the case of the petitioner that he superannuated on 30.7.2009 while working as Incharge, Assistant Commissioner of Excise in the respondent-Department of Excise, Government of Jharkhand. During his service period he was granted the benefits of 2nd Assured Career Progression(A.C.P.) vide order contained in memo no. 1021 dated 5.8.2008 w.e.f. 30.8.2007. It is the contention of the petitioner that the pay fixation consequent thereof has also been made vide communication contained in memo no. 3118 dated 1.11.2010 issued by the Under Secretary, Finance Department, Government of Jharkhand vide Annexure-4 in which petitioner has been shown to be entitled for Pay Band II, Grade pay of Rs.

5400. The said fixation has been done w.e.f. date of grant of 2nd A.C.P i.e. 30.8.2007. However, it is the contention of the petitioner that the benefits arising out of such pay fixation in monetary terms have not been paid to him. In that regard he has also made representation before the Secretary of the Department-Respondent No.2 vide Annexure-5 dated 22.2.2012 but till date the grievances of the petitioner have not been redressed. As such he has approached this Court in the instant writ application. Learned counsel for the petitioner has also relied upon Annexure-6 dated 25.6.2012 vide memo no. 1449 issued by the Under Secretary of Excise Department and addressed to the Office of Accountant General, Jharkhand in support of the aforesaid contention. In such circumstances, though necessary orders have been issued, petitioner has been denied the monetary benefits arising out of grant of 2nd A.C.P. Learned counsel for the respondent-State submits that if the petitioner -2- approaches the respondent no.2, Secretary, Department of Excise, Government of Jharkhand for redressal of his grievances, if not already redressed, the same shall be looked into by taking into account the documents relied upon by the petitioner as also after verification of service records of the petitioner and If there are no legal impediments necessary sanction order shall be issued to the Office of Accountant General, Jharkhand for payment of arrears of 2nd A.C.P. Having heard counsel for the parties, at this stage without commenting upon the merit of the claim of the petitioner, the writ petition is disposed of with a liberty to the petitioner to approach the Respondent No.2, Secretary, Department of Excise, Government of Jharkhand for redressal of his aforesaid grievances by filing a fresh representation together with all supporting facts and documents within a period of 2 weeks. On receipt of such representation, respondent no.2, Secretary, Department of Excise, Government of Jharkhand shall consider the same in accordance with law and after being satisfied with the claim of the petitioner based upon verification of his service records and orders relied upon by the petitioner pass a reasoned and speaking order in respect of his claim for grant of monetary benefits arising out of grant of 2 nd A.C.P. to him. Such reasoned order shall be passed within a period of 10 weeks from the date of receipt of such representation. Needless to say that if the claim of the petitioner is found to be genuine and legally admissible, the same shall be disbursed in favour of the petitioner within a period of 8 weeks, thereafter. The writ petition is disposed of in aforesaid terms. (Aparesh Kumar Singh, J.) A. Mohanty

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