

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 606 of 2024

No. 932333683, Head Constable,
Binod Kumar Singh Petitioner
Versus
The Union of India & Ors. Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Anil Kumar Sinha, Advocate.
For the UOI : Ms. Chandana Kumari, A.C. to A.S.G.I.

05/ 02.04.2024 Heard learned counsel appearing for the petitioner and learned A.C. to A.S.G.I. appearing for the Union of India.

2. In this petition, prayer is made for a direction upon the respondents to consider 2nd MACP w.e.f. 12.03.2013 instead of 01.01.2014 as well as 3rd MACP w.e.f. 12.03.2023, for which, the petitioner is entitled after completion of 10, 20 and 30 years of his services as well as the consequential benefits of the same.

3. Learned counsel appearing for the petitioner submits that the petitioner is posted as Head Constable in Central Industrial Security Force Unit UCIL, Jadugoda, Jharkhand. He submits that the petitioner was appointed on the post of constable in Central Industrial Security Force on 12.03.1993. He further submits that in one of the departmental proceeding, the disciplinary authority has imposed the penalty of reduction of pay by three stages for two years with further direction that he will not earn increment of pay during the period of reduction and on completion of the reduction period, it will have the effect of postponing his future increment of pay. He also submits that the petitioner has made an appeal against the punishment order before the appellate authority, however, the said appeal was allowed in part by way of modifying the penalty order to the effect that the reduction of pay by one stage and rest of the order was kept intact. According to him, the petitioner has further moved before the revisional authority by way of filing the revision petition, however, the said revision petition was dismissed and pursuant to that the petitioner filed W.P.(S) No. 1291 of 2011, against the punishment order dated 30.09.2009 as well as the appellate order dated 19.03.2010, wherein by order dated 24.07.2019, the said writ petition was allowed by way of quashing the said two

orders. He submits that thereafter the said order of the writ court has been complied with, however, from the due date, it was not paid. He further submits that petitioner has already represented before the competent authority by way of filing the representations, which are contained in Annexures-5 and 6, however, till date, no decision has been taken on the same.

4. Learned A.C. to A.S.G.I. appearing for the Union of India submits that said representations are pending before respondent Nos. 2 and 3 and considering the same they will pass the appropriate order.

5. In view of the above facts and considering that the punishment order has already been quashed by this court and the only grievance of the petitioner is to grant 2nd MACP w.e.f. 12.03.2013 as well as 3rd MACP w.e.f. 12.03.2023, however, the same has not been paid from that date and further the representations of the petitioner are pending before the respondent Nos. 2 and 3, this petition is being disposed of directing the respondent Nos. 2 and 3 to consider the case of the petitioner and pass the appropriate reasoned order within four weeks from the date of receipt / production of a copy of this order.

6. This petition is disposed of.

(Sanjay Kumar Dwivedi, J.)

Amitesh/-