

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2381 of 2012

(Sanjay Kumar Upadhyay Vs. State of Jharkhand & Ors.)

CORAM: HON'BLE DR. JUSTICE S. N. PATHAK

For Petitioner : Mr. Kaushik Sarkhel, Advocate

For Respondents : Mr. Suresh Kumar, SC (L & C)

Mr. Anshuman Kumar, AC to SC (L & C)

05/ 12.01.2023 The petitioner is claiming the benefits of First ACP.

Learned counsel for the petitioner submits that petitioner is entitled for benefits of First ACP in the scale of Rs.6500-10,500/-, which was rightly granted on 17.07.2006. However, the respondents illegally and arbitrary and against their own Resolution, reduced it and fixed the same in pay scale of Rs.5,500-9000/-.

On the other hand, Mr. Suresh Kumar, learned counsel for the respondents submits that since as per the Rule pay scale of IEO after grant of 1st ACP is 5500-9000 and as such, rightly the same was reduced in view of the Resolution of the Finance Department dated 14.08.2002, wherein it has been observed that if there is no hierarchical post and some percentage of State Service/Cadre is conferred to, then pay scale payable under the Assured Career Progression will be next immediately pay scale as mentioned in Schedule-1, because IEO cadre is an ex-cadre post.

Mr. Kaushik Sharkhel, learned counsel further submits that the said Resolution on which the State is relying, has already been repealed.

Let the respondent-State file a specific affidavit that if the said Resolution stood repealed, how come the State relying on the said Resolution has issued impugned order, de hors the Rules, within a period of three weeks'.

Learned counsel for the petitioner is directed to file an interlocutory application, challenging the order of rejection, annexed in the counter-affidavit.

Put up this case on 16.02.2023.

(Dr. S.N. Pathak, J.)