IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 430 of 2025

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Ajay Kumar, aged about 55 years, son of Ram Briksha Thakur, resident of 157 B, Pandit Jee Road, Hurhuru, Dr. P.Moitra Chowk, Hazaribagh, P.O. Hazaribagh, P.S. Sadar, District-Hazaribagh. .... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand
2. Secretary, Urban Development and Housing Department, Government of Jharkhand, Project Building, H.E.C. Dhurwa, P.O. and P.S. Dhurwa, District Ranchi, Jharkhand.
3. Assistant Director, Urban Development and Housing Department, Government of Jharkhand, Project Building, H.E.C. Dhurwa, P.O. and P.S. Dhurwa, District Ranchi, Jharkhand.
4. Executive Officer/Administrator Koderma Nagar Panchayat, P.O. and P.S. Koderma, District Koderma.

.....Respondent (s)

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CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. A. Allam Sr. Adv
Mr. Faisal Allam, Adv
Ms. Asfia Sultana, Adv

For the Respondent (s) : Mr. Suresh Kumar, S.C. (L&C)-III
Mr. Ranjan Prasad Sinha, Adv

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05/ 23.06.2026

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner for the following reliefs;

(i) To quash the punishment order as contained in office order no.1166 dated 7.4.2021 (as contained in Annexure-8 of this writ application), whereby and whereunder the petitioner has been awarded a punishment by way of 'Nindan' (reprimand) due to carelessness in service, negligence in disciplined activity in view of Rule-14 of the Government of Jharkhand Services (Control and Appeal) Rules, 2016 in contrary to the charge sheet and without issuing any show- cause or without leading any evidence, the punishment of 'Nindan' has been awarded which is completely nonest in the eyes of law.

(II)Since no evidence were led during so-called inquiry nor petitioner was allowed to lead any evidence nor any documents

were produced on behalf of the parties and without giving any proper show-cause before inflicting the punishment, the order of Nindan has been passed without regulating the alleged absence right from 05.07.2016 to 07.04.2021. So when no order has been passed regarding withholding the salary for the alleged offence as per the employer, then in that condition the respondents may be directed to pay the full salary to the petitioner w.e.f. 05.07.2016 to 07.04.2021.

(III) Although in between the period from 05.07.2016 to 07.04.2021 work was also taken from the petitioner as he attended the office for sometimes and most of the time a regular joining was not accepted by the Executive Officer/"Naga Panchayat, Koderma, so evidence must have been led on the point that the petitioner was continuously from 05.07.2016 to 07.04.2021. Hence, the order of punishment without mentioning regarding the payment of salary is nonest in the eyes of law and accordingly the punishment order dated 07.04.2021 may be quashed as well as direction may be issued to the respondents to pay the salary to the petitioner for the period the alleged absence was recorded by the employer.

(IV) Since the petitioner has joined in the Government service in 1991 and no 1 ^ (5t) ACP or 2 ^ (nd) ACP has been given to the petitioner, so almost 34 years have passed, on that basis the respondents may be directed to grant 1 ^ (st) and 2 ^ (nd) ACP on completion of service of 25 years and more.

(V) The respondents may further be directed to pay the arrears of 6 ^ (th) pay revision in between 01.01.2006 to 31.12.2016 which have not been paid yet even after paying the benefit of 7 ^ (th) pay revision.

(VI) Since the power of appointment is vested upon the Director, Department of Urban Development, but the Assistant Director has passed the punishment order, so it is without jurisdiction.

(VII) Pass such other order(s)/direction(s) as Your Lordships may deem fit and proper under the facts and circumstances of this case doing conscionable justice to the petitioner.

3. So far as prayer nos. I and II are concerned; the same relates to the order of punishment, whereby the petitioner has been imposed punishment of *निन्दन*. Therefore, looking to the quantum of punishment, this Court is not inclined to interfere with the said order of punishment.

4. However, prayer no. III is with regard to payment of salary for the period of 2016 to 2021.

5. There is no averment in the entire counter-affidavit as to why the salary has not been paid to the petitioner.

6. Accordingly, the instant writ application stands partly allowed by directing respondent No.4 to verify the records of the case of this petitioner and to pay the salary/admitted dues within a period of eight weeks from the date of receipt of copy of this order.

7. The respondents are also directed to consider the case of grant of ACP/MACP benefits and pay revision in accordance with the applicable rules of the respondent-Department. The said decision shall be taken within a period of 12 weeks from the date of receipt of copy of this order.

(Deepak Roshan, J)

23.06.2026

Amardeep/

Uploaded on
3.07.2026