IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 5198 of 2026

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1. Prem Kumar Chhetry, aged about 49 years, Son of Juda Singh Chettry, Resident of L.S. Tower -1, Qtr.No - 802, J.A.P.-1 Campus, Sachiwalaya, Nepal House, Doranda, P.O.+P.S.- Doranda, Dist- Ranchi, Jharkhand.
2. Raj Kumar Shrestha, aged about 43 years, Son of Chandra Man Shrestha, Resident of J.A.P.-1 Doranda, P.O. + P.S.- Doranda, Dist- Ranchi, Jharkhand.
3. Kunal Tamang, aged about 44 years, Son of Kundan Tamang, Resident of J.A.P.-1 Doranda, P.O. +P.S.- Doranda, Dist-Ranchi, Jharkhand.
4. Manohar Pradhan, aged about 42 years, Son of Rajen Pradhan, Resident of J.A.P.-1, Raj Bhawan Campus, Ranchi P.O.+P.S.- Ranchi G.P.O., Dist- Ranchi, Jharkhand.
5. Suraj Bahadur Pariyar, aged about 45 years, Son of Late Ratan Bahadur Pariyar, Resident of New G Type I.S.M.U., Indian School of Minse University, P.O. + P.S.-Dhanbad District-Dhanbad, Jharkhand.
6. Sahdeo Upadhyay, aged about 55 years, Son of Gobind Prasad Upadhyay, Resident of JAP-1 Camp, Mandir Line, P.O.+P.S. Doranda, Dist- Ranchi, Jharkhand.
7. Ratan Kumar Tamang, aged about 46 years, Son of Late P.B. Tamang, Resident of JAP-1 Camp, L.S Tower 1, Quarter No. 404 P.O.+P.S. Doranda, Dist- Ranchi, Jharkhand.
8. Deepak Shrestha, aged about 42 years, Son of Jay Bahadur Shrestha, Resident of JAP-1 Campus, P.O.+P.S. Doranda, Dist-Ranchi, Jharkhand.
9. Santosh Kumar Pradhan, aged about 45 years, Son of Late Rajkumar Pradhan, Resident of Block No. -19, Near Sachiwalay, Nepal House, P.O.+P.S. Doranda, Dist- Ranchi, Jharkhand.
10. Robin Gurung, aged about 43 years, Son of Kamal Kumar Gurung, Resident of JAP-1 Campus, Block No. 11, Qtr No. 13, P.O.+P.S. -Doranda, Dist- Ranchi, Jharkhand.
11. Sanjay Tamang, aged about 44 years, Son of Surya Prakash Tamang, Resident of Village - Ging Tea Garden Gelongtar, PO-Lebong, PS Sadar Thana, Ging Tea Garden, Dist-Darjeeling, West Bengal.
12. Prem Kumar Ale, aged about 45 years, Son of Bam Bahadur Ale, Resident of JAP-1 Camp, P.O.+P.S. Doranda, Dist- Ranchi, Jharkhand.
13. Gyan Thapa, aged about 44 years, Son of Hari Prasad Thapa, Resident of JAP-1 Camp, P.O.+P.S. Doranda, Dist- Ranchi, Jharkhand.
14. Narad Kumar Chhetri, aged about 49 years, Son of Late Nar Dhoj Chhetri, Resident of Village Mineral Spring, Subhan Dhura, PO-Lebong, Darjeeling, Lebong & Mineral Spring Tea Garden, PS+ Dist.-Darjeeling, West Bengal.
15. Raj Thapa, aged about 44 years, Son of Jog Bahadur Thapa, Resident of JAP-1 Camp, P.O.+P.S. Doranda, Dist- Ranchi,

Jharkhand.

16. Mukesh Shrestha, aged about 42 years, Son of Nilambar Shrestha, Resident of JAP-1 Camp, Mandir Line, P.O.+P.S. - Doranda, Dist-Ranchi, Jharkhand.
17. Vebhor Kumar, aged about 43 years, Son of Krishna Kumar, Resident of JAP-1 Camp, Mandir Line, P.O.+P.S. - Doranda, Dist-Ranchi, Jharkhand.
18. Udesh Bagdas, aged about 44 years, Son of Late Shriman Bagdas, Resident of Village Seed Farm PO+PS Kalimpong, Dist.- Kalimpong, West Bengal.
19. Lacchhu Chhetry, aged about 45 years, Son of Rishi Ram Chhetry, Resident of JAP-1 Camp, P.O.+P.S. Doranda, Dist-Ranchi, Jharkhand.
20. Suraj Mohora, aged about 46 years, Son of Late Bom Bor Mohora, Taipoo Dahara Forest Basti, P.O. +P.S.- Bangdubi, Dist - Darjeeling, West Bengal. ....**Petitioner(s)**

Versus

1. The State of Jharkhand.
2. The Director General of Police, Government of Jharkhand, BPRD Building, HEC Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District - Ranchi (Jharkhand) 834004.
3. The Inspector General of Police, Jharkhand Armed Police, Raja Rani Kothi, Nepal House, PO & PS- Doranda, District - Ranchi, 834002.
4. The Deputy Inspector General of Police, Jharkhand Armed Police, Raja Rani Kothi, Nepal House, PO & PS- Doranda, District Ranchi, 834002.
5. Commandant, Jharkhand Armed Police-1, Ranchi, PO & PS- Doranda, District - Ranchi (Jharkhand) 834002.

....**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Amit Kumar Das, Sr.Advocate
Ms. Swati Shalini, Advocate
For the Respondent(s) : Mr. Rakesh Kumar Roy, A.C. to G.A.-III

02/Dated: 18.08.2026

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioners praying therein for the following reliefs:

(a) For issuance of appropriate writ(s)/order(s)/,direction(s) quashing the Office Order No. 119/2024 dated 11.09.2024 as contained in memo no 526 dated 11.09.2024 (Annexure 3) as contained in issued under the signature of the Deputy Inspector General of Police, Jharkhand Armed Police, Ranchi, whereby the authority has unilaterally without affording any opportunity of hearing to the petitioner has been pleased to modify the grant of 1st upgradation under the Assured Career Progression Scheme (ACP) has been modified to dates after passing the Hindi Noting

Examination respectively and further held that the petitioners do not fall under the scope of consideration for 2nd or 3rd Modified Assured Career Progression Scheme (MACP).

(b) For issuance of further appropriate writ(s)/ order(s)/, direction(s) directing the respondents-authorities to grant the petitioners 1st ACP with effect from date initially granted and further consider the case of the petitioners for grant of 2nd & 3rd MACP with effect from the date they complete 20 and 30 years of services, in light of the direction as contained in Memo No.409/P dated 31.03.2003 issued from the office of the Director General of Police, Jharkhand, whereby it has been clarified that Sepoy and Havildars are not liable to pass Hindi Noting & Drafting examination.

3. The pleadings made in the writ application transpire that all the petitioners were appointed as a Havildar in JAP-1, Doranda, Ranchi. The State Government had introduced the Assured Career Progression Scheme under which an employee who has been stagnating without promotion would become entitled for 1st upgradation of scale on completion of 12 years of service and 2nd upgradation of scale on completion of 25 years of service. The said Scheme was replaced by Modified Assured Career Progression Scheme under which the employees become eligible for 1st upgradation of scale on completion of 10 years of service, subsequent upgradation of scales on completion of 20 years of service and 30 years of service respectively. The office of the Director General of Police, Jharkhand vide Circular bearing Memo No.409/P dated 31.03.2003 specifically clarified that the Constables/Havildars are not required to pass Hindi Noting & Drafting Examination for the purpose of getting the benefits under the Assured Career Progression Scheme as they do not submit any noting/drafting/report; accordingly, in compliance of the ACP scheme and in view of the fact that the petitioners were eligible for the grant of such benefits the petitioners were granted the benefits of the 1st MACP.

4. Thereafter, all of a sudden, without even issuing show cause, the Respondent No.4-D.I.G. JAP *suo-motu* shifted the date of grant of 1st MACP to the petitioner and further, held that they are not in zone of consideration of 2nd MACP. Thereafter, the grant of benefit of 2nd MACP on completion of 20 years of service remained pending in majority of cases and in some case 3rd MACP remained pending.

5. Thus, the respondents vide Office Order No. 119/2024 dated 11.09.2024 as contained in memo no 526 had modified the benefit of Assured Career Progression Scheme already granted to the petitioner by shifting the grant of 1st ACP further holding that the petitioners would not be eligible for considering the 2nd & 3rd upgradation of scale under the MACP as applicable.

6. The grievance of the petitioners is that though the petitioners are entitled for ACP/MACP benefits, but the claim of each petitioner has been rejected on the ground of non-passing of departmental examination in Hindi noting and drafting.

7. Ld. Sr. Counsel for the petitioners contended that the issue with regard to passing of any departmental examination is set at rest by the Hon'ble Apex court in the case of ***Amresh Kumar Singh & Ors. vs. State of Bihar & Ors.***[1]; accordingly, the impugned order (Annexure-3) may be quashed and set aside and the respondents be directed to calculate the benefit and pay the same as early as possible.

8. Learned counsel for the respondents though relies

[1] 2023 SCC OnLine SC 496

upon the counter affidavit, however, could not dispute the fact that the issue with regard to passing of departmental examination (Hindi Noting and Drafting Examination in this case), has been set at rest by the Hon'ble Apex court in the above referred case.

9. Having heard learned counsel for the parties and after going through the documents available on record and also the averments made in the respective affidavits, it appears that the grievance of the Petitioners with regard to ACP/MACP benefit has been set at rest by Hon'ble Apex Court in the case of ***Amresh Kumar Singh*** *(supra)* wherein the Hon'ble Apex Court has dealt this issue in detail and came to the conclusion that ACP/MACP Scheme was imposed on the recommendation of 5th C.P.C and its object has been reiterated in several judgments as one to relieve the frustration on account of stagnation and it has also been held that both ACP/MACP Schemes are devised with the object of ensuring that the employees who are unable to avail of adequate promotional opportunities, get some reliefs in the form of financial benefits. For brevity Paras- 9 to 19 in the case of ***Amresh Kumar Singh*** *(supra)* are extracted hereinbelow:

> "***9.*** *The Bihar Accounts Service Rules, 2000 as notified on 28th March, 2000 vide Rules 17 and 20 read with Schedule I thereof provides for recruitment by way of promotion. The aforesaid Rule 17, inter alia, provides that for promotion on the basis of grade of service, candidates must possess qualifications mentioned in Schedule I which, inter alia, provides that for promotion to Bihar Accounts Service, the minimum educational qualification shall be graduation.*
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> ***10.*** *At the same time Bihar State Employees Service Condition (Assured Career Progression Scheme) Rules, 2003 vide sub-Rule (5) of Rule 4 lays down that if the rules prescribe passing of the departmental examination or any qualification for promotion that shall also be an essential condition for sanction of benefit under the scheme. In other words, possession of essential*

qualification prescribed under the rules is necessary for grant of benefit under the scheme, i.e., ACP.

11. *It is in view of the above rules, the contention of the State is that until and unless the Accountant Clerks possess the minimum educational qualifications of graduation, they are not entitled to promotion in the grade of Bihar Accounts Service that is the Accounts Officer.*

12. *It may be worth noting that the ACP scheme was enforced on the recommendation of the Fifth Central Pay Commission in context with Group C and D employees and it provided monetary benefit to the employees on completion of 12 years and 24 years of regular service who were not able to get promotion. The scheme as such was anti-stagnation and envisages merely placement of the employees in the higher pay scale for the grant of financial upgradation only without grant of actual promotion. The benefit of the ACP as such is like granting non-functional in situ promotion.*

13. *At the cost of repetition, it must be borne in mind that the object of ACP is to avoid stagnation where no promotional avenues are available. The grant of ACP is not technically a grant of promotion but increase in the pay scale to the next higher grade retaining the employee on the post held by him. This is only to accord monetary benefit without disturbing any seniority or actually effectuating promotion to any higher post to avoid stagnation on a particular post or pay scale for a very long period.*

14. *The object and purpose of ACP/MACP Scheme has been reiterated by this Court in Union of India & Others Vs. C.R. Madhava Murthy & Anr. (2022) 6 SCC 183, as one to relieve the frustration on account of stagnation and it does not involve actual grant of promotional post but merely monetary benefits in the form of next higher grade subject to fulfilment of qualifications and eligibility criteria.*

15. *In sum and substance, both ACP and MACP Schemes are schemes devised with the object of ensuring that the employees who are unable to avail of adequate promotional opportunities, get some relief in the form of financial benefits. Accordingly, the schemes provide for regular financial upgradation on completion of 12-24 years and 10-20-30 years of service without promotion. They are incentive schemes for the employees who complete a particular period of service but without getting promotion for lack of promotional avenues. The effect of the schemes must be judged keeping in view the object and the purport of the scheme.*

16. *In Union of India and Anr. Vs. G.Ranjanna and Ors. reported in (2008) 14 SCC 721, the three-Judges Bench of this Court held that in situ promotions are made to remove stagnation of grade C and grade D employees by giving them certain monetary benefits.*

17. *It was further observed that fulfilment of educational qualifications prescribed under the recruitment rules for the purposes of promotion are not necessary for non-functional in situ promotion. In other words, educational qualification required for the purposes of promotion is not necessary for the*

grant of in situ promotion, i.e., only for extending the monetary benefit where there are no promotional avenues and the employees are likely to be stagnated.

18. *In the aforesaid case, the employees were working as malis (Gardeners) and had claimed promotion in the higher pay scale. The Central Administrative Tribunal seized of the original applications observed that the employees cannot claim the scale of the next higher post by way of in situ promotion. On the matter being taken to the High Court by way of a writ petition, the contention of the employees was accepted and it was observed that the object of in situ promotion on non-functional posts, is to ensure that the group C and D employees are not stagnated in the same cadre/pay scale and that they should be provided with certain monetary benefits. Therefore, the rejection of the claim for such non-functional in situ promotion on the ground that the employees do not possess the necessary minimum qualification of matriculation as per the rules is not justified and renders the order erroneous in law. The view so taken by the Division Bench of the High Court was affirmed by this Court in the above referred Civil Appeals holding that the High Court has correctly analysed the object of the in situ promotion and fixation of pay scales to Group C and D employees to avoid stagnation.*

19. *In view of the aforesaid legal position coupled with the fact that the qualification of graduation prescribed is for the promotion to the post of Accounts Officer rather than for the grant of in situ promotion on the non-functional post or for extending the benefit of ACP which is purely and simply in the nature of grant of monetary benefit without actually effectuating any promotion to any higher post, we are of the opinion that the judgment and order of the Division Bench of the High Court impugned in the appeals cannot be sustained. It is accordingly hereby set aside and that the judgment of the writ court dated 28.11.2017 is restored. The appellants are extended the benefit of ACP, as directed by the writ court."*

10. Accordingly, following the same finding, the office order No. 119/2024 as contained in Memo No. 526 dated 11.09.2024 (Annexure-3), is hereby, quashed and set aside to the extent the petitioners are concerned. The concerned respondent is directed to provide the 1st ACP with effect from the date initially granted and 2nd & 3rd MACP with effect from the date they complete 20 and 30 years of services respectively.

11. The payment shall be made after calculation within a period of 8 weeks from the date of receipt/production of a copy of this order.

12. Consequently, the instant writ application stands allowed. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

AUGUST 18, 2026
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27/08/2026