

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15750 of 2013

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Krishna Kumar Son Of Late Ramavtar Paswan Resident Of Press Quarter No.
3, Kantahi Ghat, P.S. Alamganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary-cum-Finance Commissioner, Finance Department,
Government of Bihar, Patna.
3. The Director Press and Stationery, Finance Department, Government of
Bihar, Patna.
4. The Deputy Secretary Press and Stationery, Finance Department,
Government of Bihar, Patna.
5. The Superintendent, Secretariat Press, Government of Bihar, Gulzarbagh,
Patna.
6. The Deputy Superintendent, Secretariat Press, Government of Bihar,
Gulzarbagh, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Bhavendra Jha, Advocate Ms. Anju Jha, Advocate
For the State	:	Mr. Kinkar Kumar, S.C.-9 Ms. Sushmita Sharma, A.C. to S.C.-9 Ms. Vagisha Pragya Vacaknavi, A.C. to S.C.-9

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
CAV JUDGMENT

Date : 16-06-2026

Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs:

“For issuance of a writ in the nature
of certiorari for quashing of the part of office order
of the Finance Department vide Memo No. 5075-F-
dated 20.05.2013 whereby and where under the
claim of second financial progression under A.C.P.
Scheme Rules, 2003 of the petitioner has been



rejected and he has been granted third financial progression under M.A.C.P. Scheme 2010 illegally in the pay scale of P.B.-1 + grade pay 2800 and for issuance of a writ in the nature of mandamus commanding the respondents to grant the petitioner the benefit of second financial progression w.e.f. 01.06.2005 under A.C.P. Scheme Rule, 2003 in the pay scale of PB2+Grade pay 4200 and third financial progression under M.A.C.P. Scheme, 2010 in the grade pay of Rs.4600 and to make payment of arrears accruing from such benefits along with interest @ 12% per annum of the delayed payment.”

3. Vide order dated 05.12.2025, passed in this case, the prayer made in I.A. No.1 of 2025 were treated to be part and parcel of the writ petition, which is being quoted hereinbelow:

“For quashing the part of office order vide Letter No.797 dated 19.08.2025 of the Incharge Superintendent, Secretariat Press, Gulzarbagh, Patna as contained in Annexure-P/14 to the Supplementary Affidavit filed on behalf of the petitioner whereby the petitioner has been granted the second ACP w.e.f. 01.06.2005 but wrongly and illegally in the pay scale of Rs.4500-7000/- and third financial progression under MACP scheme, 2010 w.e.f. 01.06.2011 in PB2+4200 after twenty years of his lawful entitlement and further for a direction for grant of the second ACP in the pay scale of Rs. 5000-8000 and third financial progression in PB2+GP4600 in view of Rule 3(2) of the ACP Rules, 2003 and the payment of the difference amount of arrears along with 12%



interest on delayed payment of entire amount.”

FACTS OF THE CASE

4. The brief facts, which are essential for adjudication for the present writ petition, are that the petitioner was appointed on temporary basis on the post of Copy holder in the office of the Secretariat Press at Gulzarbagh, Patna in the pay scale of Rs.220-4-240-EB-5-290-EB-5-315/- vide Memo No.3180 dated 28.05.1981, issued under the signature of the Superintendent of Secretariat Press, Gulzarbagh, Patna. Pursuant thereto, the petitioner gave his joining on 01.06.1981. His services was confirmed vide Memo No.2567, dated 22.06.1981. The petitioner was granted promotion to the post of Revisor w.e.f. 01.03.1990 in the pay scale of Rs.1200-30-1800/- vide Memo No.1407, dated 28.04.1990. Subsequently, the petitioner was promoted to the post of Junior Reader w.e.f. 01.03.1994 in the pay scale of Rs.1320-30-1560-45-2040/- vide Memo No.2055, dated 19.08.1996. The petitioner was transferred to the post of Senior Reader w.e.f. 01.08.2000 in the same pay scale of Rs.4000-6000/-, in which the petitioner was placed on the post of Junior Reader vide Memo No.1352, dated 02.07.2002, issued under the signature of the Deputy Superintendent, Secretariat Press, Gulzarbagh, Patna. It is the case of the petitioner that he was appointed as a Copy holder on



01.06.1981 and was granted promotion to the post of Revisor in the pay scale of Rs.1200-1800/- and thereafter to the post of Junior Reader in the pay scale of Rs.1320-2040/- and in the explanation of Sub-Rule 2 of Rule 3 of the Assured Career Progression Scheme rules, 2003, it is envisaged that revised pay scale sanctioned for both the pay scales of Rs.1200-1800/- and Rs.1320-2040/- in the unrevised pay scale is the same as Rs.4000-6000/- for the purpose of granting financial progression under the scheme and according to the petitioner, the first and the second financial progression has to be granted in the higher pay scale, treating the pay scale of Rs.4000-6000/- as the basic grade pay. It is further case of the petitioner that many employees in the cadre of the petitioner, including Bhubneshwar Ravidas and Lal Babu Ram, who were appointed and promoted along with the petitioner, have been granted the second financial progression under the A.C.P. Scheme Rules, 2003 vide Memo No.1753, dated 10.01.2007, however the petitioner had not been granted the same benefit, to which he became entitled w.e.f. 01.06.2005. It is further case of the petitioner that the modified A.C.P. Rules, 2010 came into effect on 14.07.2010 and as per the said Rules, those government servants, who have completed 30 years of continuous and



regular service and have been granted the second financial progression, after completion of 24 years of service, shall be granted the third financial progression after completion of 30 years of service, in the next higher grade pay and therefore the petitioner was entitled for grant of the third A.C.P. under the modified A.C.P. Scheme, 2010 w.e.f. 01.06.2011. Since the petitioner was not being granted the benefits of A.C.P. Rules, 2003 and M.A.C.P. Rules, 2010, he filed a writ petition bearing C.W.J.C. No.10450 of 2012. The said writ petition filed by the petitioner was disposed of vide order dated 19.07.2012 with a direction to the respondents to consider the case of the petitioner for grant of A.C.P. When the order was not being complied with, the petitioner filed M.J.C. No.5550 of 2012 and during pendency of the contempt petition, the claim of the petitioner for grant of the second financial progression under A.C.P. Scheme Rule, 2003 has been denied and he has been granted the third financial progression w.e.f. 01.06.2011 in the pay scale of PB-1+Grade Pay of Rs.2800/-, which is in gross violation of the Rules framed by the State Government for granting the benefits of A.C.P. The contempt application was disposed of by holding that the order has been complied. It is further case of the petitioner that as per the A.C.P. Scheme,



2003, two promotions granted to the petitioner shall be counted as one promotion under Explanation to Rule 3(2) of the A.C.P. Scheme, 2003 and he is legally entitled to the second financial progression under such scheme. It is further case of the petitioner that many employees, similarly situated as well as junior to the petitioner in the cadre, who were appointed and promoted along with the petitioner, have been granted the second A.C.P. in the pay scale of Rs.5000-8000/- (unrevised), but the petitioner has been denied the same benefit by the respondent authorities. It is also the case of the petitioner that the respondent authorities have granted the third financial progression w.e.f. 01.06.2011 in the pay scale of P.B.-1, i.e., Rs.5200-20200/- with Grade Pay of Rs.2800/-, wrongly. Since he is currently drawing the pay in the pay scale of Rs.4000-6000/-, therefore he is entitled for the corresponding revised pay scale of Rs.5000-8000/- (unrevised), and the corresponding revised scale of Rs.9300-34800/- with Grade Pay of Rs.4200/- and the third financial progression under M.A.C.P. Scheme, 2010 in the next higher Grade Pay of Rs.4600/-, in terms of Schedule-1 of Bihar Gazette (Extra) dated 21.01.2010.

SUBMISSIONS ON BEHALF OF THE PETITIONER

5. A counter affidavit has been filed on behalf of



respondents no.5 and 6, wherein it has been submitted that the petitioner was appointed on 01.06.1981 on the post of Copy holder in the pay scale of Rs.535-765/-. He was promoted to the post of Revisor on 01.03.1990 in the pay scale of Rs.1200-1800/- and was again promoted to the post of Junior Reader on 01.03.1994 in the pay scale of Rs.1320-2040/-. It has been submitted that since the petitioner has already been granted two regular promotions in his service, therefore, he is not entitled for Assured Career Progression under the A.C.P. Rules, 2003. However, as per the M.A.C.P. Rules, 2010, he has been found entitled for the third A.C.P., after completion of 30 years of service from his P.B.1+Grade Pay of Rs.2400/- to the next higher Grade pay of P.B.1+Grade Pay of Rs.2800/- w.e.f. 01.06.2011. It has further been averred in the counter affidavit that the petitioner has claimed the above benefit on the ground of parity with two of the similarly situated employees, namely, Bhubneshwar Ravidas and Lal Babu Ram, who were granted the said benefits, however after verification of the service records of the said two persons, it came to light that due to mistake, they have been granted the second A.C.P., though they were not entitled for the same. It has further been averred that for cancellation of the grant of said benefits to both the above



mentioned persons and for recovery of the amount, which was wrongly paid to the said employees, proceeding has already been initiated and show-cause has already been asked for vide Letter No.2209, dated 06.03.2014.

6. A rejoinder has been filed on behalf of the petitioner, wherein it has been stated that from perusal of Sub-Rule 2 of Rule 3 of A.C.P. Scheme Rules, 2003, it would transpire that the financial progression has to be sanctioned in the pay scale of existing promotional hierarchy prescribed for the cadre of employees concerned and for this purpose, the scale of pay would be the scales of pay sanctioned for various posts by the resolution of the Finance Department and in case where the promotional hierarchy is not defined in service or where the promotional hierarchy consists of less than two regular promotion grades, then the financial progression shall be given in the higher scale of pay. It has further been averred that since the petitioner belonged to the Reading Cadre of the Secretariat Press, Gulzarbagh, Patna and the office order of the Finance Department contained in Memo No.2178, dated 23.03.2017 explicitly and specifically speaks that prior to 01.01.1996, the grades of posts of Revisor, Junior Reader and Senior Reader in hierarchy of Reading Cadre has been



sanctioned in different scales of pay, but after coming into effect the reports of 5th Pay Revision Committee from 01.01.1996, the pay scale of all the three posts have come to Rs.4000-6000/-. It has further been averred that in view of Rule 3(2) of the A.C.P. Schemes, the petitioner is entitled for grant of the second A.C.P. in the pay scale of Rs.5000-8000/- and its revised replacement pay is P.B.2+Grade Pay of Rs.4200/- w.e.f. 01.01.2006 and accordingly, the petitioner is entitled to the third financial progression w.e.f. 28.05.2011 in the next higher Grade Pay of Rs.4600/- on completion of 30 years of service and has wrongly been given the Grade Pay of Rs.2800/-. It has further been averred that in case of Bhubneshwar Ravidas and Lal Babu Ram, they are getting the benefits, which has been denied to the petitioner.

7. A supplementary affidavit has also been filed on behalf of the petitioner, wherein in compliance of order dated 11.09.2025, passed in this case, the order contained in Letter No.797, dated 19.08.2025, by which the petitioner was granted the benefits of the second A.C.P. in the pay scale of Rs.4500-7000/- was brought on record. It has been averred that although the petitioner has been given the second A.C.P. w.e.f. 01.06.2005, but the same has wrongly been given in the pay



scale of Rs.4500-7000/- instead of Rs.5000-8000/- with Grade Pay of Rs.4600/-. It has been averred that since the petitioner was holding the post of Senior Reader and the next promotional post is of Head Reader, carrying a pay scale of Rs.5000-8000/- which gets support from the A.C.P. Rules, 2003.

8. A supplementary counter affidavit has been filed on behalf of respondents no.5 and 6, wherein it has been stated that as per the provisions contained in Rule 3(2) of the A.C.P. Rules, 2003, the benefit of A.C.P. is to be granted in the pay scale of promotional post. In case of the petitioner, the promotional post of Junior Reader is the post of Senior Reader and the post of Head Reader is the next promotional post of Senior Reader. In Schedule-I of the Rules, it is clearly mentioned that only Senior Reader shall be eligible for the post of Head Reader and the Reader in the grade immediately below, shall be eligible for promotion to the post of Senior Reader. It has been mentioned that the term "Reader in the grade immediately below" refers to the post of Junior Reader and as per Schedule-II of the Rules, the post of Junior Reader is the post which is to be filled by promotion as well as direct recruitment. Therefore the claim of the petitioner that Head Reader is the next promotional post of Junior Reader and



therefore the petitioner is entitled to be granted the pay scale of Rs.5000-8000/- of the Head Reader is not correct. The pay scale of Senior Reader is Rs.4000-6000/- and granting the same pay scale to the petitioner, who was Junior Reader, as benefit of the second A.C.P., will not amount to any financial upgradation. Therefore the petitioner has rightly been given the financial upgradation in the higher pay scale of Rs.4500-7000/- w.e.f. 01.06.2005.

9. Reply to the interlocutory application has also been filed on behalf of respondents no.5 and 6, wherein it has been stated that the claim of the petitioner, that he was holding the post of Senior Reader is not correct. In Schedule-I of the Rules, it is clearly noted that only Senior Reader shall be eligible for promotion to the post of Head Reader and the Reader in the grade immediately below, shall be eligible for promotion to the post of Senior Reader. Therefore, the claim of the petitioner that Head Reader is the next promotional post of Junior Reader and he is entitled for the pay scale of Rs.5000-8000/- of Head Reader, is not correct.

10. Reply has been filed on behalf of the petitioner wherein it has been stated that the petitioner was holding the post of Senior Reader after transfer from Junior Reader in the



same pay scale of Rs.4000-6000/-, which is evident from letter dated 02.07.2002, issued under the signature of the Deputy Superintendent of Gulzarbagh Press. Therefore, the petitioner is entitled for the second A.C.P. in the pay scale of Rs.5000-8000/- to the next higher post of Head Reader in the hierarchy of Reading Cadre in view of Rule 3(2) of the A.C.P. Scheme, 2003 and denial of such benefit on frivolous ground that petitioner was not a Senior Reader, is wholly without jurisdiction. The petitioner is entitled for payment of pay scale of Rs.5000-8000/-with Grade Pay of Rs.4600/-.

11. The learned counsel for the petitioner submits that the petitioner is entitled for the said benefits, since he is getting the pay scale of Rs.4000-6000/- (unrevised) and is entitled to the second A.C.P. under the 2003 Rules in the pay scale of Rs.5000-8000/- (unrevised) in view of the fact that similarly situated employees have been granted the said benefit. He further submits that the petitioner is entitled for the corresponding revised scale of pay, i.e., Rs.9300-34800/- with Grade Pay of Rs.4200/- and after grant of the benefits of M.A.C.P. Scheme, 2010, he is entitled for Grade Pay of Rs.4600/- in terms of Schedule -1 of Bihar Gazette (Extra) dated 21.01.2010. It is further submitted that the petitioner is a



Class III employee and has been denied the benefit of financial progression, to which he became entitled almost seven years prior to filing of the present writ petition.

SUBMISSIONS ON BEHALF OF THE STATE

12. The learned counsel appearing on behalf of the Respondents-State submits that the petitioner is not entitled for grant of the benefits, since in the service book itself, it has been mentioned that the petitioner has retired as a Senior Reader. He submits that since the petitioner is not entitled for payment of pay scale of Rs.5000-8000/- therefore, the department has not granted the said benefits to the petitioner. However, during pendency of the writ petition, the benefit of upgradation has been granted to the petitioner in the pay scale of Rs.4500-7000/-. It is further submitted that in case of the similarly situated employees, the same was wrongly granted and steps have already been taken to withdraw the said benefits, which was wrongly granted. The learned counsel for the State submits that the petitioner under erroneous presumption has filed the present writ petition for grant of higher pay scale, although he was never promoted to the post of Head Reader and therefore he is not entitled for the pay scale of Rs.5000-8000/- with Grade Pay of Rs.4600/- and the department has rightly granted



the benefits of the pay scale of Rs.4500-7000/- with Grade Pay of Rs.4200/- to the petitioner and there is no infirmity in the same.

FINDINGS

13. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was initially appointed in the office of the Secretariat Press at Gulzarbagh, Patna vide Memo No.3180, dated 28.05.1981, issued under the signature of the Superintendent, Secretariat Press, Gulzarbagh, Patna, on temporary basis as a Copy holder in the pay scale of Rs.220-315/- and accordingly, he gave his joining on 01.06.1981. His services were later on confirmed vide Memo No.2567, dated 22.06.1981 and he was promoted to the post of Revisor w.e.f. 01.03.1990 vide Memo No.1407, dated 28.04.1990 in the pay scale of Rs.1200-1800/-. He was again promoted to the post of Junior Reader vide Memo No.2055, dated 19.08.1996 w.e.f. 01.03.1994 in the pay scale of Rs.1320-2040/-. Subsequently, in the pay revision, which was effected from 01.01.1996, the revised pay scale of Rs.1200-1800/- and Rs.1320-2040/- was the same as Rs.4000-6000/-. The petitioner was transferred and posted as Senior Reader w.e.f. 01.08.2000 vide Memo No.1352, dated



02.07.2002, issued under the signature of the Deputy Superintendent, Secretariat Press, Gulzarbagh, Patna and retired as Senior Reader on 31.12.2016. The petitioner belongs to the reading cadre of the Secretariat Press, Gulzarbagh, Patna and from the office order contained in Memo No.2178, dated 23.03.2017, it would transpire that prior to 01.01.1996, the grades of posts of Revisor, Junior Reader and Senior Reader in the hierarchy of reading cadre has been sanctioned in different scales of pay, but, after coming into force of the report of the 5th Pay Revision Committee, which was made effective from 01.01.1996, the pay scale of all the three posts have been provided as Rs.4000-6000/-. Though it has been mentioned in the said memo that the Reader cadre lacks a defined higher promotional post, but from the Schedule III of the 5th Pay Revision Report, the pay scale of Revisor, Junior Reader as well as Senior Reader has been prescribed at Serial No.118, 122 and 127 respectively and the same has been shown as Rs.4000-6000/- and are all under revised Pay Band of PB-1 with Grade Pay of Rs.2400/- w.e.f. 01.01.2006. In the same report, the post of Head Reader finds mentioned at Serial No.147 with the existing pay scale of Rs.5000-8000/- and the revised Pay Band for the said post is PB-2 with Grade Pay of



Rs.4200/- w.e.f. 01.01.2006. Thus, it is evidently clear that in the Reader Cadre, the higher post of Head Reader is in existence with scale of pay of the said promotional post. In view of the existence of the higher post in the cadre as well as the prescription of scale of pay of said promotional post, the petitioner would be entitled to be granted the Second A.C.P. under the A.C.P. Rules, 2003 w.e.f. 01.06.2005 in the pre-revised pay scale of Rs.5000-8000/- (revised pay scale of Rs.9300-34800/-) in PB-2 with Grade Pay of Rs.4200/-. Consequently, he would further be entitled to the financial upgradation to the Grade Pay of Rs.4600/- under the provisions of M.A.C.P. Rules, 2010 w.e.f. 01.06.2011 on completion of 30 years of service.

14. From the consideration made above and the findings recorded above, this Court has no other option but to set aside the impugned order contained in Memo No.5075, dated 20.05.2013 as well as Letter No.797, dated 19.08.2025, extending the benefits of A.C.P./M.A.C.P. at the rates lower than the admissible financial upgradation. The respondent authorities are directed to grant the Second A.C.P. to the petitioner under A.C.P. Rules, 2003 w.e.f. 01.06.2005 in the pre-revised pay scale of Rs.5000-8000/- (revised pay scale of



Rs.9300-34800/-) in the Pay Band of PB-2 with Grade Pay of Rs.4200/-. The respondents are further directed to extend the benefits of financial upgradation to the Grade Pay of Rs.4600/- under the provisions of M.A.C.P. Rules, 2010 w.e.f. 01.06.2011. Consequent upon the same, the respondents are obliged to calculate the arrears along with its consequential benefits and the pensionary benefits shall also be calculated and paid to the petitioner. The entire exercise, as directed above, must be completed within a period of four months from the date of receipt/production of a copy of the order.

15. The writ petition is allowed with the aforementioned directions.

16. Pending applications, if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	11.05.2026
Uploading Date	16.06.2026
Transmission Date	NA

