IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5216 of 2012

1. Dilip Kumar Sinha, son of Lt. Harihar Prasad, resident of Flat No. H-2, Sahdeo Mansion, Durga Road, Uliyan, Kadma, P.O. & P.S. Kadma, Singhbhum East

2. Anil Kumar Sinha s/o Sri Bhagwat Sinha, resident of Bharti Compound, c/o K.K. Sinha, P.O. & P.S. Doranda, Ranchi

3. Kumar Ravi s/o Lt. Nand Lal Prasad, r/o Flat No. 202, Vasudeo Enclave, P.O. Bariatu, P.S Sadar, Deepa Toli, Ranchi

4. Narendra Kumar Singh s/o Sri Rajeshwar Prasad Singh, r/o Gosai Tola, P.O. & P.S. Chutiya, District Ranchi

5. Sushil Kumar Bariyar s/o Lt. Rachita Nand Prasad, r/o 7th Lane, Natajee Nagar, P.O.& P.S. Lower Bazar, District Ranchi

6. Bijay Kumar Bharti s/o Arjun Bharti, r/o Doranda, P.O. & P.S. Doranda, Ranchi **... … Petitioner(s)**

Versus

1. State of Jharkhand.

2. Secretary, Department of Industry, Govt. of Jharkhand, Ranchi, Nepal House, P.O. & P.S Doranda, District Ranchi

3. Director, Department of Industry, Govt. of Jharkhand, Nepal House, P.O. & P.S. Doranda, District Ranchi

4. Secretary, Department of Finance, Govt. of Jharkhand, Project Building, P.O. & P.S Dhurwa, District Ranchi

5. Secretary, Department of Personnel & Administrative Reforms, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, District Ranchi

... … Respondent(s)

With

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

Sanjay Kumar Upadhyay, son of Sri Chandradip Upadhyay, resident of 302, Divyam, Sai Vihar, Ashok Ashram Enclave, Dibdih, P.O. & P.S.- Doranda, Ranchi. **... … Petitioner(s)**

Versus

1. State of Jharkhand.

2. Secretary, Department of Industry, Govt. of Jharkhand, Ranchi, Project Building, Dhurwa, District-Ranchi.

3. Director, Department of Industry, Govt. of Jharkhand, Nepal House, P.O. & P.S.-Doranda, District-Ranchi.

4. Secretary, Department of Finance, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, District Ranchi.

5. Secretary, Department of Personnel & Administrative Reforms, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, District Ranchi

... … Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Kaushik Sarkhel, Advocate
Mr. Abhishek Singh, Advocate
[in both cases]

For the Respondent(s) : Mr. Suresh Kumar, SC (L&C)-II
[in W.P.(S) No. 2381 of 2012]
Mr. Ashwini Bhushan, AC to Sr. SC-II
[in W.P.(S) No. 5216 of 2012]

JUDGMENT

CAV On 13/01/2026 **Pronounced On 27/01/2026**

Since common issue is involved in both these writ petitions; as such, both were heard together and being disposed of by this common judgment.

2. In W.P.(S) No. 5216 of 2012 the petitioners have made the following prayers:

> *"i) Quashing the office order dated 14-06-2012 issued by the Director Industries, Jharkhand, Ranchi in terms of which the order no. 964 dated 09-04-2006 and order no. 1625 dated 17-07-2006 and order no. 88 dated 15-01-2007 has been modified and the benefit of A.C.P. granted to Industries Extension Officers by placing them in pay scale of 6500-10500 has been reduced to pay scale of 5500-9000 and direction for recovery of alleged excess payment has been issued;*
>
> *ii) Upon quashing the office order dated 14-06-2012 issued by the Director Industries, Jharkhand, Ranchi be further pleased to hold that the Industry Extension Officers are entitled to the pay scale of 6500-10500 consequent to grant of benefit of 1st A.C.P.;*
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> *iii) Further, for a direction upon the respondents to pass an order of confirmation of benefit of 1st A.C.P. of the petitioners and release the arrears of salary of the petitioners which has been withheld on account of non-confirmation of the benefits of 1st A.C.P. granted to the petitioners Vide*

office order dated 19-04-2006 and 17-07-2006;

AND

For any other appropriate writ or order or direction as this Hon'ble Court may deem fit and proper."

3. In W.P.(S) No. 2381 of 2012 the petitioner has made the following prayers:

"2.1) to immediately and forthwith confirm benefit of 1st Assured Career Progression (ACP) granted to the petitioner vide office order dated 17-07-2006 with all consequential benefits;

ii) to immediately and forthwith release the arrears of salary of the petitioner on account of increments to which the petitioner is entitled and which has been withheld on account of non-confirmation of the benefit of 1st Assured Career Progression granted to the petitioner vide office order dated 17-07-2006.

iii) For further direction upon the respondents to pay interest on the same on account of delayed payment of salary for no fault on the part of the petitioners.

IV) An appropriate writ, order or direction for quashing the order dated 14.06.2012 passed by the respondent no.1 by which the respondent specifically observed that the petitioner is not entitled for grant of First ACP in the pay-scale of Rs. 6500-10500/- and has further directed departmental recovery as the First ACP has been granted to the petitioner wrongly.

AND

For any other appropriate writ or order or direction as this Hon'ble Court may deem fit and proper."

4. Briefly stated, all the petitioners are working as Industry Extension Officer, Directorate of Industry, Government of Jharkhand. In the year, 2002 the State Government implemented ACP scheme for its employees and the Administrative Department was authorized to grant the benefit provisionally and get the same confirmed by the Finance Department within a period of one year.

In the year, 2005 respondent authorities via amendment empowered the Departmental Secretary of concerned department to confirm the

benefit of ACP within a period of one year. Accordingly, the petitioners were granted benefit of 1st ACP in 2006 w.e.f. different dates; however, the respondents did not confirm the benefits within one year and due to this inaction, the petitioners were denied the consequential benefits pursuant to grant of 1st ACP including MACP. Being aggrieved, the petitioners preferred several representations but all of no avail.

5. Subsequently, the respondents issued order dated 14.06.2012 based on clause 3(X) of Finance Department Resolution dated 14.08.2002 which modified the benefit of ACP granted to Industries Extension Officer (Petitioners) by reducing their pay scale to Rs. 5500-9000/- and a direction for recovery of alleged excess payment has also been made.

Aggrieved thereby, the petitioners preferred several representations but when no action was taken, the petitioners have preferred the present writ applications.

6. It has been submitted by Ld. Counsel for the petitioners that the reliance placed upon clause 3(X) is not tenable as in the year 2007 itself, the respondents amended the resolution dated 14.08.2002 especially clause 3(X) and portion of the same was omitted and the respondents have ignored the said amendment while passing the impugned order, as such the order is wrong and liable to be quashed.

It has also been contended that Rule 11(c) of the Bihar Industries Service Cadre Rules, 1987 categorically provides that promotion to the initial rung of cadre shall normally be made amongst the officers listed in Schedule IV of the Rule on the basis of seniority cum merit and that the

Industries Extension Officers are included in Schedule- IVB therefore the next promotional post of the petitioners is that of Functional Manager/Project Manager; as such, the petitioners were rightly granted the pay scale of 16500- 10500/- .

It has been submitted that according to Schedule IV of the Jharkhand Industrial Service Cadre Rules, 1987 there are three groups of feeder posts - (a) Sericulture (b) Industrial Extension Officer and (c) Economic Investigator and from these three groups, promotion is being granted to basic grade posts like Functional Manager/Project Manager, Assistant Director etc. and the Hon'ble Supreme Court in Civil Appeal No. 5354/ 2000 has confirmed the validity of schedule-IV of the 1987 Rules.

Ld. Counsel has also argued that seventeen senior Industrial Extension Officers have been given promotion to the post of Functional Manager/ Project Manager in compliance with the order in W.P.(C) No. 302/2008 wherein this Court acknowledged the existence of 1987 Rule, as such the impugned order is not tenable in the eye of law.

7. *Per contra,* It has also been contended by Ld. Counsel for the respondents that the petitioners were granted the benefit of ACP with a shed of doubt for which confirmation was sought from the Finance Department and the Department held the view that since the Industries Extension Officers (petitioners) do not belong to the Jharkhand Industries Service Cadre, 1987, rather they belong to graduate non-gazetted officers of subordinate services, hence they are not covered by the rules of

Jharkhand Industries Service Rules, 1987 as such, they have rightly been confirmed the benefits of ACP in the pay scale of Rs.5500-9000/-.

It has also been argued that according to Para 2(3) of the Finance Department Resolution No.5207 dated 14.08.2002, if there is no specific hierarchical post of promotion for the cadre, then pay scale of ACP will be next immediate pay scale mentioned in schedule I of the said resolution.

Ld. Counsel contended that the scheme of ACP envisages that the financial progression will be accorded on specific identified post of promotion for the cadre or where the steps of promotion are not earmarked and fixed, in that case it will be on the next scale of Schedule-I of the Finance Department.

Ld. Counsel had lastly submitted that as per the provision of the Jharkhand Industries Service Rule, 1987, 50% of the vacancy on the initial rung of Jharkhand Industries Service is to be filled up by appointing from the three subordinate service i.e. Industries Extension Officer's, Economic Investigator's and Pilot Project Officer's cadre in the ratio fixed on the strength of the cadre to the gazetted post of Functional Manager/Project Manager. Hence the posts of Functional Manager/Project Manager cannot be claimed by the petitioner as posts occurring naturally and specifically as next promotional post and prayed that these writ applications be dismissed.

8. Having heard learned counsel for the parties and after going through the documents available on record *prima-facie* it appears that the petitioners have wrongly been denied 1st ACP in the pay scale of Rs. 6500-

10500/- by order dated 14.06.2012.

From bare perusal of the impugned orders, it transpires that it has been passed by placing reliance upon clause 3(X) of the Finance Department Resolution No.5207 dated 14.08.2002. However, admittedly, a portion of the aforementioned clause was deleted in the year 2007, however, the impugned order has been passed without taking into consideration the deletion. For brevity clause 3(X) is quoted herein below and the underlined portion is the deleted part:

> *"3(x) इस योजना के अंतर्गत वित्तीय उन्नयन सरकारी सेवक को उसके संवर्ग के लिए विशिष्ट रूप से निर्धारित वर्तमान पद श्रृंखला के वेतनमानों में मिलेगा और इसके लिए कोई नया पद सृजित किया जायेगा। परंतु एकल पद एवं ऐसे पद/पद समूह/संवर्ग जिसमें विशिष्ट रूप से पद सोपान नही बने हुए है और सीधे राज्य सेवा/सम्वर्ग में कुछ प्रतिशत पद ही प्रोन्नति हेतु कर्णांकित है उनके संबंध में सम्बद्ध मंत्रालय/विभाग द्वारा अनुसूचि–1 में निर्दिष्ट वेतनमान के तुरंत बाद वाले वेतनमान में ही वित्तीय उन्नयन दिया जायेगा।"*

9. On plain scrutiny of the impugned orders, it appears that the respondents have relied upon the deleted portion of clause 3(x) of the Resolution dated 14.08.2002; as such, on this score alone, the respective impugned order deserves to be set-aside.

10. It was vehemently argued by Learned Counsel for the respondents that according to Para 2(3) of Finance Department Resolution No.5207 dated 14.08.2002, if there is no specific hierarchical post of promotion for the cadre, then pay scale of ACP will be next immediate pay scale mentioned in schedule I of the said resolution.

This argument is not acceptable to this Court as on the one hand; the Government of Jharkhand has itself agreed vide notification dated 28.07.2009 that the post of Industry Extension Officer is one of the feeder

posts of Project Manager and accordingly 17 employees of the petitioners' cadre were promoted to the post of Project/Functional Manager and on the other hand, the respondent authorities are denying that the specific hierarchical post of promotion is not defined; as such they cannot approbate and reprobate at the same time.

11. Further, the Hon'ble Apex Court in "*Bihar State Subordinate Industries Field Officers' Association v. Kapildeo Prasad Singh and Others"*[1] has categorically held that the post of Industry Extension Officer is the feeder post of the Project Managers.

12. Furthermore, on a cumulative examination of Clause 11 & 12 read with Schedule I and IV of the Bihar Industries Service Cadre Rules, 1987, it becomes clear that the promotional posts of the petitioners are Project Manager & equivalent in the pay scale of Rs.1000-50-1700-EB-60-1820/- (Rs.6500-10500/-revised), then after Functional Manager and equivalent in the pay scale of Rs.1350-50-1750-75-2000/- (Rs.10000-15600/-revised), then after Deputy Director of Industries & equivalent in the pay scale of Rs.1,575-50-1,775-75-2,300/-, then after the Joint Director of Industries in the Pay Scale of Rs. 1,900-75-2,500/- and finally the Additional Director in the Pay Scale of Rs. 2,325-75-2,850/-.

13. It further appears that the notification dated 28.07.2009 has earmarked 57.69% seats in promotion for Industrial Extension Officers, and since 57.69% of the Industrial Extension Officers have already been promoted and the petitioners were left out; as such, this Court holds that

[1] (2000) 6 SCC 507

these petitioners are entitled for the ACP of the next promotional post i.e. of Project Manager so as to avoid stagnation which was the main object of ACP/MACP scheme.

14. At this stage, it is pertinent to indicate that the ACP and MACP schemes were enforced on the recommendation of the 5th and 6th Central Pay Commission respectively and it provided monetary benefit to the employees on completion of 12/24 or 10/20/30 years of regular service, who were not able to get promotion. The object of ACP/MACP is to avoid stagnation where no promotional avenues are available. 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.

15. Having regard to the above discussion and the law laid down by the Hon'ble Apex Court, the respective impugned orders dated 14.06.2012 issued by the Director Industries, Jharkhand, Ranchi in terms of which the benefit of A.C.P. granted to the Industries Extension Officers by placing them in pay scale of Rs. 6500-10500/- has been reduced to pay scale of Rs. 5500-9000/- and direction for recovery of alleged excess payment has been issued; is hereby, quashed and set aside.

The respondent authorities are directed to grant the pay scale of

Rs. 6500-10500/- consequent to confirming the benefit of 1st ACP including release of arrears of salary which was withheld on account of non-confirmation of 1st ACP.

16. Accordingly, both these writ applications stand allowed. Pending I.A.s, if any, also stand disposed of.

(Deepak Roshan, J.)

Jharkhand High Court, Ranchi
Dated: 27/01/2026
Amit
N.A.F.R
Uploaded on 30/1/2026