IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 4826 of 2026

Krishn Kumar, aged about 46 years, son of Bhuneshwar Prajapati, resident of 'Manju Niwas', Behind of Ramgarh College, Village Murramkala, P.O. and P.S. Ramgarh, District Ramgarh, PIN 829122 (Jharkhand)

…… **Petitioner**

Versus

1. State of Jharkhand, through Chief Secretary, Government of Jharkhand, having its office at Project Building, Dhurwa, Town Ranchi, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi-834004 (Jharkhand).
2. The Secretary, Department of Personnel, Administrative Reforms & Rajbhasha, Government of Jharkhand, having its office at Project Building, Dhurwa, Town Ranchi, P.O. Dhurwa & P.S. Jagannathpur, District Ranchi-834004 (Jharkhand).

…… **Respondents**

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

For the Petitioner	:	Mrs. Shilpi Sandil Gadodia, Advocate Ms. Sakshi Kathuria, Advocate Ms. Sejal Agrawal, Advocate
For the Resp.-State	:	Ms. Oishi Das, A.C. to A.G.

CAV On: 01.09.2026 **PRONOUNCED On :07.09.2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been filed by Petitioner for following reliefs:-

(i) *For issuance of an appropriate writ/order/direction including Writ of Mandamus directing the Respondents to consider the case of the Petitioner and consequently grant promotion to him on the post of Junior Selection Grade equivalent to Under Secretary from the date when Petitioner's Batch-mates have been granted promotion, especially because persons similarly situated with that of Petitioner including his juniors have been granted promotion to the said post and the case of the Petitioner has not been considered merely because pendency of Departmental Proceeding against the Petitioner.*

(ii) *For issuance of further appropriate writ/order/direction, including Writ of Mandamus directing Respondent-State of Jharkhand to consider and consequently grant promotion to the Petitioner on the post of Additional Collector equivalent to Deputy Secretary from the date when Petitioner's Batch-mates have been granted promotion, especially because persons similarly situated with that of Petitioner including his juniors have been granted promotion to the said post and the case of the Petitioner has not been considered merely because pendency of Departmental Proceeding against the Petitioner.*

(iii) *For issuance of appropriate writ/order/direction, including writ of declaration, declaring that action of Respondent-authorities in not considering the case of Petitioner with effect from the date when the Batch-mates of Petitioner have been granted promotion is violative of Articles 14 and 16 of the Constitution of India especially because promotion of the Petitioner cannot be withheld on the ground of alleged Departmental Proceeding and/or criminal case pending against Petitioner.*

3. Brief facts of the case are that the Petitioner was appointed as Deputy Collector pursuant to 3rd Joint Civil Services Competitive

Examination held by Jharkhand Public Service Commission vide Notification dated 11.08.2010 and he submitted joining on 12.08.2010. After training, first posting of the Petitioner was on the post of Circle Officer, Nagri where Petitioner joined on 02.05.2011. Earlier, Nagri area was falling within the Block of Ratu and a new Circle i.e. Nagri Anchal/Circle was constituted on 31.01.2011 and most of relevant records from Ratu Block to Nagri Circle were not transferred at the relevant time when Petitioner was posted in Nagri Circle.

4. While Petitioner was posted as Circle Officer, Nagri Circle, allegation was leveled against him regarding excess mutation of 4.11 decimal of land in Khata No. 89, Plot No. 773 being done by him and sole basis of allegation was that Seller of the land gave Power of Attorney of lesser quantity of land, but the Power of Attorney holder sold 4.11 decimals of land in excess than what was convened in the Power of Attorney.

5. In fact, the Seller was one Sanjeevani Buildcon Pvt. Ltd. and a C.B.I. case was registered against the said company being R.C. Case No. 04(S)/2014-Ranchi dated 28.02.2014. In the said case, report was submitted by C.B.I. dated 21.12.2016 wherein recommendation was made for initiating departmental proceeding against Petitioner. It is pursuant to said recommendation, departmental proceeding was initiated against Petitioner vide Resolution dated 20.11.2018, wherein charges leveled against Petitioner was regarding mutation of land of 4.11 decimals in Khata No. 89, Plot No. 733, Circle Nagri which was the land

sold in excess by Power of Attorney holder than what was convened by original owner of land.

In the Charge-sheet in Form ‘Ka’ it was stated that one Arvind Singh of Sanjeevani Buildcon Pvt. Ltd. was given Power of Attorney of only 41.24 decimal of land, but said person sold 45.36 decimal of land of Plot No. 733. However, in the Charge-sheet itself, it was mentioned that total area of Plot No. 733 was 59.58 decimal.

6. In the departmental proceeding, one Shri Binod Chandra Jha, Retd. I.A.S. was appointed as Inquiry Officer and Additional Collector, Ranchi was appointed as Presenting Officer. Petitioner has annexed the report submitted by Additional Collector, Ranchi (Presenting Officer), contained in Letter No. 5232(ii) dated 11.10.2022, wherein Presenting Officer itself clarified that Circle Officer had no role and could not have ascertained and determined that excess land was sold by Power of Attorney holder than land convened by land owner. Thus, Presenting Officer itself did not support the charges leveled against Petitioner, and, Petitioner specifically pleaded that, to the best of his knowledge, Inquiry Officer submitted its report exonerating the Petitioner from all charges, but, as yet departmental proceeding against Petitioner has neither been dropped; nor any Show Cause Notice has been issued by Respondent-State differing with the Enquiry report.

7. Petitioner further pleaded that apart from aforesaid allegation of allegedly carrying out mutation of excess land, three criminal cases were initiated against the Petitioner and in all the three criminal cases,

charge-sheets have already been submitted vide Charge-sheet No. 13/2013 dated 31.12.2013, Charge-sheet No. 10/2014 dated 30.06.2014 and Charge-sheet No. 13/2014 dated 30.09.2014.

8. Petitioner specifically pleaded that persons similarly situated with that of the Petitioner, including Juniors in the rank of seniority of the Batch of the Petitioner i.e. 3rd Batch of Combined Civil Services examination, have been granted promotion vide Notification No. 3539 dated 08.06.2022 to the post of Junior Selection Grade, equivalent to Under Secretary in Pay Matrix-11; and even Batch-mates of the Petitioner, including Batch-mates who are junior in seniority to the Petitioner have been further granted promotion vide Notification bearing Memo No. 6541 dated 04.10.2024 to next level of promotional post i.e. Additional Collector rank, equivalent to Deputy Secretary, in Pay Matrix-12.

9. Petitioner has even annexed Notification, wherein persons belonging to subsequent batch of Combined Civil Services Examination have been granted two promotions i.e. promotion to 'Junior Selection Grade' and promotion in 'Additional Collector' rank, vide Notification dated 30.12.2023 and Notification dated 16.05.2025 respectively.

10. It is the case of Petitioner that Departmental proceeding is pending against Petitioner since the year 2018 and criminal cases are pending against Petitioner since the year 2013-14 and the case of the Petitioner has been considered for promotion, but, has been kept in 'Sealed Cover' by Departmental Promotion Committee.

11. In this regard, reliance has been placed upon Resolution No. 6227 dated 20.11.2008 issued by State of Jharkhand following the Judgment of Hon'ble Supreme Court in the case of *'Union of India & Ors vs. K.V. Jankiraman & Ors., reported in (1991) 4 SCC 109*, and it has been submitted that in aforesaid Resolution itself it is clearly provided that if the case of an employee for promotion is kept in 'Sealed Cover' for more than two years, the said employee is entitled for Ad-hoc promotion with effect from the date when juniors to said employee were granted promotion on next higher promotional avenue. On the strength of above fact, present writ application has been filed by Petitioner.

12. A Counter Affidavit has been filed by Respondent-State of Jharkhand, wherein at Para-11, it is admitted that the case of Petitioner was considered by Departmental Promotion Committee and, upon consideration due to pendency of Departmental proceeding and/or Criminal proceedings against Petitioner, the recommendation/finding of D.P.C. was kept in 'Sealed Cover'.

13. Respondents also relied upon the Guidelines dated 20.11.2008 which prescribes the procedure of 'Sealed Cover' to be adopted. Apart from above, in the Counter Affidavit, plea is taken that as per Letter No. 2423 dated 16.03.2015, Government servants are obligated to provide a return of their movable and immovable property and in absence of such return/details being provided, the case of an employee cannot be considered for promotion.

It has been submitted that Petitioner failed to provide such return/details and is, thus, otherwise ineligible for opening of the 'Sealed Cover'; as Petitioner is disqualified for promotion.

14. Rejoinder Affidavit has also been filed on behalf of Petitioner, wherein Petitioner has annexed Screenshot of Online Portal of Respondent-State of Jharkhand to demonstrate that Petitioner filed Returns for financial years 2022, 2023 and 2025 containing details of his movable and immovable property.

15. Heard Mrs. Shilpi Sandil Gadodia, Advocate assisted by Ms. Sakshi Kathuria, Advocate appearing on behalf of Petitioner and Ms. Oishi Das, A.C. to A.G. appearing on behalf of Respondents. Both the counsels placed reliance upon Resolution dated 20.11.2018 which is framed by State of Jharkhand pursuant to Judgment of Hon'ble Supreme Court in the case of *'K.V. Jankiraman & Ors.'* and learned Advocate of Petitioner has taken a plea that in terms of the said Judgment and Resolution, Petitioner is entitled for Ad-hoc promotion with effect from the date when his batch-mates have been granted promotion, subject to final outcome of the Departmental and Criminal proceedings.

16. *Per contra*, counsel for Respondent-State submitted that 'Sealed Cover' procedure is required to be continued as Departmental and Criminal proceedings are still pending against Petitioner.

17. Upon hearing the parties and upon careful examination of Resolution No. 6227 dated 20.11.2008 and the Judgment of Hon'ble Apex Court in the case of *'K.V. Jankiraman & Ors.',* I am of the opinion

that Petitioner is entitled for Ad-hoc promotion with effect from the date when his batch-mates have been promoted to promotional posts, with all consequential benefits of seniority, revision in pay, etc. except payment of differential salary.

18. A bare perusal of Resolution dated 20.11.2018 (Annexure-11) would itself reveal that although said Resolution provides for keeping in 'Sealed Cover' the decision of Departmental Promotion Committee, but, said Resolution further provides that if promotion of an employee is kept in 'Sealed Cover' and if criminal/ departmental proceedings are not completed within a period of two years, said employee will be granted Ad-hoc promotion after considering following factors, namely:-

(a) *Whether grant of promotion to a Government servant would be against public interest?*
(b) *Whether allegation against Government servant is of such a grave nature that his case is not to be considered for promotion?*
(c) *Whether in near future criminal or departmental proceeding is likely to be concluded?*
(d) *Whether if Ad-hoc promotion is given to an employee, he is likely to mis-utilize his position which affects departmental and/or criminal proceeding?*

19. In the present case, Respondents in their Counter affidavit have mentioned about meetings of Departmental Promotion Committee held on various occasions, but has not pleaded that case of Petitioner for Ad-hoc promotion was not considered by Departmental Promotion Committee due to existence of any of the above four factors mentioned in the Resolution.

On the contrary, it has been pleaded that Petitioner has not filed his returns of movable and immovable property and has, thus, become ineligible for grant of promotion. However, Online Screenshot

of Respondent-Portal reflecting filing of returns by Petitioner for financial years 2022, 2023 and 2025, has not been disputed.

20. In fact, Resolution dated 20.11.2018 clearly provides for grant of Ad-hoc promotion to Petitioner with effect from the date when similarly situated employees to Petitioner have been granted promotion. However, arrear of salary, etc. can be paid to Petitioner only if, ultimately, Petitioner is exonerated in departmental/criminal proceedings; and in the opinion of Respondent-Department, Petitioner is entitled for arrear of salary.

21. In the present case, Petitioner specifically pleaded that departmental proceeding was initiated against Petitioner in the year 2018 and even Presenting Officer gave report in favour of Petitioner and, to the best of the knowledge of Petitioner, Inquiry Officer has also exonerated the Petitioner from all charges. Said specific pleading has not been denied in the Counter Affidavit and departmental proceeding has been kept pending against Petitioner for more than 8 years without passing any final order.

22. In fact, I have also perused two separate reports given by Presenting Officer (Annexue-5 and Annexure-6 to Writ Petition). A perusal of said reports clearly demonstrates that total area of Plot No. 773 was 53.76 decimal and Petitioner has not carried out mutation beyond the total area of the Plot. In the said reports, it has been clearly stated that Petitioner, as Circle Officer, cannot have any knowledge about the fact that Power of Attorney holder sold land in excess than

what was convened to him in Power of Attorney. Aforesaid reports are not denied in the Counter Affidavit, but it is surprising that despite such reports of Presenting Officer, Petitioner's departmental proceeding is kept pending.

Even otherwise, if Circle Officer has carried out mutation which is not in excess to the land recorded in the name of the owner in Records of Right, the Circle Officer cannot be said to have acted contrary to provisions of Bihar Tenant Holdings (Maintenance of Record) Act, 1972.

23. Inaction and/or latches on the part of Respondents has led to standstill of Petitioner's professional career and future avenue, and, Petitioner would be, otherwise, forced to work under his Juniors.

24. In *Union of India v. Tantia Constructions Pvt. Ltd.*, (2011) 5 SCC 697, at paragraph-33, the Hon'ble Supreme Court of India held that injustice, whenever and wherever it takes place, has to be struck down as an anathema to the rule of law and the provisions of Constitution of India.

25. Keeping in mind the constitutional obligation of the government to act as model employer which is consistent with their role in a welfare state, this Court under Article 226 of the Constitution of India, under the extraordinary power, deems it appropriate to direct the Respondents to grant Ad-hoc promotion to Petitioner on the post of Junior Selection Grade equivalent to Under Secretary with effect from 08.06.2022 in Pay Matrix-11 i.e. the date when batch-mates including

persons junior in seniority of the same batch, have been granted promotion to aforesaid post with all consequential benefits of seniority and revision in pay-scale, except payment of differential salary.

26. Respondents are further directed to grant Ad-hoc promotion to Petitioner with effect from 04.10.2024 in Pay Matrix-12 i.e. from the date when his batch-mates including junior in Seniority List of the same batch have been granted promotion to the post of Additional Collector, equivalent to Deputy Secretary, with all consequential benefits of seniority and revision in pay-scale, except payment of differential salary.

27. The State of Jharkhand would further take decision on the issue of payment of arrear salary to Petitioner in the next higher level promotional avenue, after culmination of departmental/criminal proceedings against Petitioner.

28. Aforesaid exercise of grant of Ad-hoc promotion with all consequential benefit, except of payment of arrears of salary, shall be completed within a period of eight weeks from the date of passing of this order.

29. Accordingly, writ petition is allowed. Pending I.A., if any, shall stand disposed of and there shall be no order as to costs.

(Deepak Roshan, J)

Dated:07/09/2026
Amardeep/
A.F.R.
Uploaded on
8.9.2026