IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 3164 of 2011

1.Dr. Ajit Kumar, S/o. Dr. Shreenath Sinha, R/o. Primary Health Centre, Ormanjhi, Ranchi, P.O. & P.S. Ormanjhi, District-Ranchi.

2. Dr. (Mrs.) Bina Sinha, W/o. Mr. Anjani Kumar, R/o. State Dispensary, Doranda, Ranchi P.O. Hinoo, P.S. Doranda, District-Ranchi.

3. Dr. Amar Kumar Mishra S/o. Late Parmanand Mishra R/o. District Tuberculosis Centre, Gumla, P.O. & P.S. Gumla, District Gumla.

4. Dr. Md. Ahsan S/o. Hazi Md. Hasan, R/o. Additional PHC Pithoria, Kanke, P.O.- Kanke, P.S. Pithoria, District Ranchi.

5. Dr. Vidyanand Chaaudhary, S/o. Late Jagannath Chaudhary, R/o. Referral Hospital, Silli, Ranchi, P.O. & P.S. -Silli, District- Ranchi.

6. Dr. Dinanath Singh, S/o. Sri Budhram Singh, R/o. Sadar Hospital, Lohardaga, P.O. & P.S. Lohardaga, District Lohardaga.

7. Dr. Vijay Nath Khanna, S/o. Shree Surendra Prasad Khanna, R/o. Sadar Hospital, Simdega, P.O. & P.S. Simdega, District Simdega.

8. Dr. Upendra Prasad, S/o. Late Sarju Garain, R/o. ESI Dispensary, Kokar, Ranchi, P.O. & P.S. Kokar, District Ranchi.

9. Dr. Bidan Baha Toppo, W/o. Late E.J. Topno, R/o. Primary Health Centre, Potka, P.O. & P.S. Potka, District East Singhbhum.

10. Dr. Deepawati W/o. Dr. Amaresh Kumar Sinha, R/o. Sadar Hospital, Ranchi, P.O. G.P.O., P.S. Sadar Ranchi, District Ranchi.

11. Dr. Subodh Kumar, S/o. Sri Bhaju Ram Sharma, R/o. PHC Kanke, P.S. Gonda, P.O. Kanke, District-Ranchi.

12. Dr. Ramesh Chandra Jha, S/o. Late ShasHI Dhan Jha, R/o. Sadar Hospital, Pakur, P.O. & P.S. -Pakur, District Pakur. **... … Petitioner(s)**

Versus

1. State of Jharkhand.
2. The Secretary, Department of Health & Family Welfare, Government of Jharkhand, Project Bhawan, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi.

3.The Secretary, Department of Finance, Government of Jharkhand, Project Bhawan, P.O. Dhurwa, P.S. Jagarnathpur, District Ranchi.

... … Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Abhay Prakash, Advocate
For the Respondent(s) : Mr. Amrit Raj Kisku, AC to GA-V

Order No. 23/Dated: 26th February 2026

The instant amended writ application has been preferred by the petitioners for the following reliefs:-

> *"2(a). To issue appropriate writ/writs, order/orders, direction/directions commanding upon the respondents to fix the pay scale of the petitioners in Pay Band 3 along with Grade Pay of Rs.5400 in entry grade as recommended by the State Fitment Committee vide its report dated 15.12.2008, which has been duly accepted by the respondent state vide Resolution dated 28.02.2009.*
> *b. For issuance of appropriate writ/writs, order/orders, direction/directions commanding upon the respondents to grant benefits of the Dynamic Assured Career Progression (DACP) to the petitioners as has been recommended by the State Fitment Committee vide its report dated 15.12.2008 which has been duly accepted by the respondent State vide Resolution dated 28.02.2009.*
> *c."For issuance of appropriate writ/writs, order/orders, direction/directions particularly in the nature of certiorari for quashing the said Resolution no. 2464 dated 28.11.2011 issued by the Department of Finance, Government of Jharkhand for the reason that the same is not in consonance with the Resolution dated 29.08.2008 issued by the Central Government and also against the report submitted by the State Fitment Committee whereby in principle the report of the central government was accepted. (In terms of order dated 31.07.2018 passed in I.A. no. 2302/2018, the amended prayer is added)*
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> *AND*
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> *For issuance of any other appropriate writ(s) or direction(s) or order(s) as Your Lordships may deem fit and proper in view of the facts & circumstances of the case for doing conscionable justice to the Petitioners;"*

2. Briefly stated as per the pleadings, OM dated 29.10.2008 issued by the Ministry of Health and Family Welfare, Government of India, (Annexure-2 to the writ petition) illustrates that the General Duty Medical/Dental doctors were appointed in Grade Pay of Rs. 5400/- in Pay Band-3 (hereinafter PB-3); in other words, it is the pay scale of doctors at the entry level. Under DACP scheme, the doctors are to be promoted to Grade Pay Rs. 6600/- in PB-3, after service for 4 years in Grade Pay of Rs. 5400/- in PB-3 including service rendered in the pre-revised scale of Rs.8000-13500/-.

Similarly, the promotions in DACP of doctors from Grade Pay of Rs. 6600/-in PB-3 to Grade pay of Rs. 7600/- in PB-3 will be allowed after service of 5 years and further from Grade Pay of Rs.7600/- in PB-3 to Grade Pay of Rs. 8700/- in PB-4 will be allowed after service of

4 years in Grade Pay of Rs. 7600/-.

3. To buttress their claim further, the petitioners point out that in State Fitment Committee Report issued on 15.12.2008, the preface itself shows that the State Government had accepted in principle the recommendation of the 6th Central Pay Commission as accepted by the Central Government for its employees vide Resolution No. 01/01/2008-IC dated 29.08.2008. It was further decided by the State Government that the Central Pay structure should be implemented for State Government employees from 01.01.2006. It was also shown from the State Fitment Committee report that Medical Doctors were declared in Group "A" entry with Rs.8000/- 13500/- scale; hence their pay was recommended to be fixed in entry scale of PB-3 with Grade Pay of Rs.5400/- as per pay fixation formula and in corresponding pay band with grade pay. Based upon the above fitment committee report, the Jharkhand State Health Service Association made representation to the Finance Commissioner, Department of Finance, Government of Jharkhand.

4. Despite above acceptance by the State Fitment Committee, the Department of Finance, Government of Jharkhand vide Resolution No. 2464 dated 28.11.2011 (Annexure-9 to the writ petition), though implemented the scheme of DACP to the State Government's doctor employees, yet with certain modifications, which bereft the earlier decision of the State Government based on local conditions, wherein it was declared that the Central Government recommendation is accepted in totality.

5. Learned counsel for the petitioners submits that despite the fact that the State Government accepted the recommendation of the State Fitment Committee particularly to grant Central Pay Scale and allowances to the State Government employees vide Resolution dated 28.02.2009; while making fixation of pay scale to the doctors of the Jharkhand Health Services, basic grade was fixed at Pay Band 2 in Grade Pay of Rs.5400/-

instead of Pay Band 3 in Grade pay of Rs. 5400/- as per chart of pay enclosed vide Annexure-6 to the writ petition.

6. It is further stated that pursuant of publication of Pay Fixation Chart, said discrepancy of providing Pay Band 3 instead of Pay Band 2 was immediately brought to the notice of the Finance Secretary as well as Health Secretary, Government of Jharkhand by the Association through representation dated 25.03.2009. Despite the said representation, the respondents did not pay any heed which compelled the Jharkhand State Health Service Association to make another representation to the Health Secretary on 28.01.2010. The petitioners based on above fact claims that though the petitioners are entitled for the Pay Band 3 along with Grade pay of Rs. 5400/- in the entry grade and further entitled for benefits under Dynamic Assured Career Progression (DACP) but the respondents have committed serious illegality in fixing the pay scale of the petitioners in Pay Band-2 instated of Pay Band-3 as recommended by the State Fitment Committee and not granting the benefits under Dynamic Assured Career Progression (DACP).

7. A counter affidavit has been filed by the respondents wherein it has been asserted that recommendation of the Fitment Committee is only a recommendation, having best a persuasive value and does not have a binding effect on the State Government. The Department of Finance has already issued Memo No. 2464 dated 28.11.2011 extending the benefits of DACP to the non-teaching doctors in the State of Jharkhand, as such, there is no merit in the case of the petitioners and deserves to be dismissed.

8. From record, it appears that the State Government in the counter affidavit has acknowledged the fact that a High Level Pay Anomaly Removal Committee has been constituted in compliance to the order dated 01.08.2018 passed by this Court in *W.P.(S) No. 1820 of 2017* to deal with such cases of pay anomalies vide office order issued vide Memo No. 160/V dated 05.11.2018.

9. After going through the facts and the respective affidavits it appears that the State Government mainly contended that the petitioners have failed to produce any proof to show that the recommendation of the Fitment Committee given with regard to the non-teaching doctors has been accepted by the State Government.

In reply to the same, the petitioners contended that the Central Government in its Resolution dated 29.08.2008 had categorically stated that *"the Commission recommends that the DACP scheme recommended by the 5th Central Pay Commission for different streams of doctors should be extended to all Doctors including those working in isolated posts. The promotions under DACP for other categories of doctors will be guided by the same conditions as applied in case of doctors working in Central Health Services".* In other words, the Central Pay Commission does not distinguish between the teaching and non-teaching doctors and the same in principle was accepted by the State Fitment Committee.

10. The petitioners have also contended that in the State of Bihar, there is no distinction shown by the State Government and the DACP is extended to all doctors irrespective of the fact whether they are in teaching cadre or non-teaching cadre. The State of Bihar has implemented the DACP in consonance with the Central Government and benefits accrued thereof is being extended to all doctors.

11. Considering the above facts, it would be appropriate that the High Level Pay Anomaly Removal Committee as constituted by the State Government should consider the petitioners' grievances as highlighted in this writ petition.

12. Accordingly, the matter is remitted to the respondent-authority to consider the grievances of the petitioners as stated in this writ application and the petitioners are directed to submit a detailed representation(s) along with all supporting documents before the Secretary, Department of Health and Family welfare, which in furtherance of receipt of the representation(s) filed by the petitioners forward the same to High

Level Pay Anomaly Removal Committee to resolve/rectify the grievance of the petitioners within a period of sixteen weeks from the date of receipt/production of copy of this order and informed decision in the form of reasoned order shall be communicated to the petitioners thereafter within a period of four weeks.

13. Accordingly, the writ application stands disposed of. Pending I.A.s, if any, also stand disposed of.

(Deepak Roshan, J.)

26th February 2026
Amit
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