**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P(S). No. 4836 of 2024**

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1. Durga Thakur, aged about 36 years, S/o Shri Arjun Thakur, resident of Village-Baridih, P.O.-Jingi, P.S.-Kuru, District Lohardaga.

2. Niman Ekka, aged about 38 years, S/o Masihdas Ekka, resident of Village- Kota, P.O-Balsota P.S.-Bhandra, District- Lohardaga.

3. Raj Kishore Mahli, aged about 41 years, S/o Nandu Mahli, resident of Village-Hesmi Tigo MMBN Toli, P.O.-Sosai Asharam, P.S.-Mandar, District-Ranchi.

4. Dipak Mishra, aged about 30 years, S/o Uday Kant Mishra, resident of Village Rajmahal, P.O.-Rajmahal, P.S.-Rajmahal, District-Sahibganj.

5. Dasrath Ram Mahli, aged about 43 years, S/o Late Matlu Mahli, resident of Village-Jinda, P.O- Bargaon, P.S.-Sisai, District-Gumla.

6. Ravindra Ram, aged about 33 years, S/o Laxman Ram, resident of Village Patriya, P.O.-Bilaspur, P.S.-Haidar Nagar, District-Palamu.

7. Suman Kumar, aged about 36 years, S/o Ram Kumar Tamakur, resident of Village-Taal Banna, P.O.-Sahibganj, P.S.-Sahibganj, District-Sahibganj.

8. Kishan Kumar Paswan, aged about 32 years, S/o Mahindra Paswan, resident of Village Gulli Bhatta Sahibganj, Shiv Mandir, P.O.-Sahibganj, P.S. Sahit District-Sahibganj.

9. Raja Chandan, aged about 30 years, S/o Ramnandan Mahto, resident of Village Patnia Tola, P.S. Sahibganj, P.O-Sahibganj, District Sahibganj.

10. Sahjada Hussain, aged about 35 years, S/o Md. Samsuddin, resident of Village Pauta, P.O.-Chanduar, P.S. Muffasil, District- Hazaribagh.

11. Sanjiv Kumar Singh, aged about 40 years, S/o Triloki Prasad Singh, resident of Village Rampur, P.O.-Malhara, P.S.-Rikhiya, District Deoghar.

12. Keshab Kumar Das, aged about 42 years, S/o Ramanand Ravi Das, resident of Village P.O.-Malrampur, P.S.-Pathargama, District-Godda.

13. Laljee Yadav, aged about 33 years, S/o Balram Yadav, resident of Village-Sobhanpur Bhatta, P.O.-Sahibganj, P.S. Muffasil Sahibganj, District Sahibganj.

14. Abhishek Kumar Choubey, aged about 31 years, S/o Chandra Bhushan Choubey, resident of Village- Rajadaha, P.O.-Rajadaha, P.S.-Pakuriya, District-Pakur. **…..Petitioners**

**Versus**

1. The State of Jharkhand through the Secretary/Principal Secretary, Department of Home, Prison and Disaster Management, having office at Project Building, Dhurwa, P.O. & P.S.-Dhurwa, Town & District- Ranchi.

2. The Commandant Jharkhand Armed Police (JAP)-8, Lesliganj, P.O. & P.S. Lesliganj, District Palamu. **…Respondents**

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

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For the Petitioners : Mr. Manoj Tandon, Advocate
: Ms. Neha Bharadwaj, Advocate
: Mr. Siddharth Ranjan, Advocate
For the Respondents : Mr. Divyam, AC to SC-IV

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**02/ Dated: 27.10.2026**

**1.** Heard learned counsel for the parties.

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

> *"i. For quashing and setting aside the decision contained in Amended Force Order No.967/2023 dated 11.12.2023 (Annexure-4) issued under the pen and signature of Respondent No.2 whereby and whereunder the increments which were granted to the petitioners by Force Order No.394/2021 dated 01.04.2021 (Annexure-3) has been withdrawn with an order to recover the excess payment made in one lump sum.*
>
> *(ii) During the pendency of this writ petition operation, implementation and execution of the impugned order dated 11.12.2023 (Annexure-4) may kindly be stayed.*
>
> *(iii) For any other appropriate relief or reliefs to which the petitioners are found to be entitled in the facts and circumstances to this case as also to do conscionable justice to the petitioners."*

**3.** At the outset, learned counsel for the petitioners draws attention of this Court towards Annexure-1 which is the order passed by this Court in batch of writ petitions, whereby the impugned orders in those cases were quashed and set aside and the State was directed to reinstate all the petitioners on their original posts and grant consequential benefits and thereafter, examine each case separately on its own merit and proceed accordingly.

**4.** For brevity, para no. 22 of the order passed in the case of *W.P(S) No. 3976 of 2016 with analogous cases* is extracted herein below:

> ***"22.** Having heard learned counsel for the parties, this Court has perused Annexure-A contained in supplementary counter affidavit and finds that 3 Men Enquiry Committee came to the finding that some transaction was taken place with regard to Advertisement no. 2 of 2011, whereas, it is a case of Advertisement no. 1 of 2015. This Court also finds that the statement of other member of the Selection Committee was recorded and it was said that the Chairman was in the campus of Hotwar, Ranchi from 07:00 a.m. onwards till past 07:00 p.m. on*

*13.01.2016 in the conclusion of 3 Men Enquiry Committee. This Court further finds that 3 Men Enquiry Committee also came to the conclusion that the statements of Satya Deo Yadav, Phul Kumari Devi and Madan Pandey are not matching with each other. This Court further finds that there is no allegation of any transaction with regard to the petitioners. The fact finding 3 Men Enquiry Committee has also not lodged any complaint against the petitioners in this regard. This Court further finds that pursuant to the advertisement, due process of selection was taken place, wherein, the petitioners were put on physical test, written test, practical and interview in terms of the advertisement and, thereafter, they have been selected for appointment on those posts. This Court further finds that after the appointment of the petitioners, they have already joined and worked on different places and without issuing any show-cause and without providing any opportunity of hearing to the petitioners, the impugned order was passed, which is in teeth of violation of principles of Audi alteram partem. This Court further finds that the petitioners, who were not involved in manipulation and against them there is no allegation of such manipulation, cannot be allowed to suffer. It was incumbent for the State to segregate the cases of such persons and to take action against those persons, who have committed illegality. The selection of all the candidates cannot be cancelled where other beneficiaries are short listed and also identified. The doctrine of proportionality are to be applied in such cases. The petitioners should not be compelled to suffer without there being any fault on their part just because the respondents find it difficult to segregate their cases. The task may be difficult for the respondents, but in my considered view, in the interest of all concerned more particularly in the interest of the petitioners, who have no fault, the State must undertake this task. The impugned order of termination is stigmatic in nature and the same could not have been passed without giving the petitioners an opportunity of explaining their position. This Court has got no hesitation in coming to the conclusion that the respondent authorities in coming to such decision have acted in haste which are against the well settled principles and the same must be held to be arbitrary and irrational. This Court further comes to a conclusion that the impugned orders are an ex cathedra announcement and, accordingly, the impugned order cannot sustain in the eyes of law. Accordingly, impugned orders dated 23.06.2016 in W.P.(S) Nos. 3976 of 2016, 3611 of 2016, 3974 of 2016 and 3975 of 2016 and impugned order dated 08.04.2017 in W.P.(S) No. 5638 of 2017 and impugned order dated 05.07.2016 in W.P.(S) No. 4025 of 2016 are quashed. The State is directed to reinstate all the petitioners on their original posts with all consequential benefits and, thereafter, if so advised, examine each case separately on its own merit and proceed accordingly."*

**5.** The grievance of the petitioners is that though initially increments were granted to them, but subsequently, the said increment was withdrawn.

**6.** It has been contended by Ld. Counsel for the petitioners that the Writ Court in earlier round of the litigation, has quashed the impugned orders and directed to extend all consequential benefits to the petitioners; however, liberty was given to them to examine each and every case. The said order has attained finality in view of the fact that, the same was never challenged; rather, the respondents acted upon by giving the increments by Annexure-3. However, all of a sudden, the same was withdrawn without issuing any show-cause notice.

**7.** It has been specifically contended by Mr. Tandon that neither the Writ

Court order was challenged before the Appellate Court, nor any notice was issued as to why the increment is to be withdrawn.

**8.** Ld. Counsel for the respondents could not dispute the aforesaid facts but submits that since the petitioners were not working at that time therefore, on the principle of *"no work no pay"* their increments have been withdrawn. Further, it is submitted that Rule 85 (kha) of Jharkhand Service Code provide that all leaves except extraordinary leave will be counted for increment on the post. Since, the period under which the petitioners remained under termination has been directed to be treated as extraordinary leave, the said period cannot be counted for giving increment to the petitioners. Hence, the earlier order has been withdrawn by the respondents.

**9.** In reply, Ld. Counsel for the petitioners further draws attention of this Court towards Annexure-2 which is notification dated 22.01.2021, wherein there was an order on the principle of ***"no work no pay"***, however, learned counsel contended that this annexure has already been quashed in another writ application being *W.P.(S) No. 4892 of 2024*.

**10.** Having regard to the above, the instant writ application needs interference on following ground(s):

**i.** In the earlier round of litigation, there was a specific direction upon the State authorities to give all consequential benefits.

**ii.** The State did not challenge the aforesaid order.

**iii.** The State acted upon by giving increments to the petitioners pursuant to the order passed by the co-ordinate bench in earlier round of litigation i.e. in *W.P(S) No. 3976 of 2016* with analogous cases.

**iv.** After giving the increments for substantial period, the same was withdrawn without issuing any show-cause notice.

**v.** It is well-settled principle that any order which is having civil consequences, cannot be passed without affording proper liberty to the concerned.

**vi.** Even otherwise, since there was a specific order by the co-ordinate bench of this Court to give all consequential benefits to the petitioners of *W.P(S) No. 3976 of 2016*: though a liberty was given to examine each case separately, but in the instant case, the case of the

petitioners was never re-examined, nor challenged.

**11.** Having regard to the aforesaid reasons, the impugned order dated 11.12.2023 (Annexure-4), is hereby, quashed and set aside. The interim order is made absolute and the respondents are directed to extend the consequential benefits to the petitioners within a period of 8 weeks from the date of receipt of copy of this order.

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

**(Deepak Roshan, J.)**

27.10.2026

Abha/-