IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 5108 of 2024

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1. Nidhi Smita Topno, aged about 35 years, daughter of Lucia Topno, resident of 2339, Dibadih, Xavier Colony, VTC Doranda, H.Q. P.O. & P.S. Doranda, Dist. Ranchi.
2. Anuj Kumar Rajak, aged about 35 years, son of Lakshman Rajak, resident of village & Post Bakoriya, P.S. Manika, Dist. Palamu.
3. Uma Shankar Munda, aged about 38 years, son of Nag Thakur Mani, resident of 21, VTC: Mutugura, P.O. & P.S. Dalbhanga, Dist. Seraikella-Kharsawan.
4. Dharmendra Kumar, aged about 38 years, son of Brijdeo Ram, resident of Ward No. 11, Adarsh Nagar Sukhbana, VTC, Sukhbana, P.O. Nawada, P.S. Ramkanda, Dist. Garhwa.
5. Dharmbir Kumar, aged about 38 years, son of Surendra Bhagat, resident of 7 Line No. 6, Anand Nagar, Namda Basti, P.O. & P.S. Golmuri, Dist. East Singhbhum

……. **Petitioners**

Versus

1. The State of Jharkhand
2. Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand through its Secretary, having his office at Project Building, P.O. & P.S. Dhurwa, Dist. Ranchi.
3. Finance Department, Government of Jharkhand through its Secretary having his office at Project Building, P.O. & P.S. Dhurwa, Dist. Ranchi.
4. Additional Secretary, Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand, having his office at Project Building, P.O. & P.S. Dhurwa, Dist. Ranchi..

……. **Respondents**.

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

For the Petitioners : Mr. Atanu Banerjee, Advocate
For the Respondents : Mr. Shubham Mishra, AC to SC(M)-II

07/ 08.09.2026 By way of present writ application the petitioners have prayed for quashing the part and portion of notification no. 4800 dated 29.07.2022 (Annexure-5) issued by the respondent No. 2, whereby the petitioners have been given promotion from the post of Assistant Section Officer (Grade Pay Rs.4600) to the post of Section Officer (Grade Pay Rs.4800) with effect from the date of issuance of the said notification/ joining, instead of giving the said promotion from the date on which vacancies in the post of Section Officer arose in the year 2015, when the petitioners have completed two

years of regular service on the post of Assistant (Assistant Section Officer) and were eligible to be considered for promotion to the post of Section Officer in accordance with the promotion policy and rule contained in the government resolution in memo No. 3286 dated 04.04.2014, which expressly stipulates at Sl. No. 12 that the requisite tenure for promotion from the post with G.P. Rs.4600 to the post with G.P. Rs.4800 is two years.

Further, for direction upon the respondents to shift the date of promotion of petitioners to the post of Section Officer to 2015 considering the vacancy of the post of Section Officer and the eligibility of the petitioners for promotion to the said post and to pay consequential monetary benefits accrued thereto and non-functional grade in the pay-scale of Rs.15,600-39,100 with G.P. Rs.5400/-.

The petitioners have also prayed for direction upon the respondents to consider their cases for promotion to the next higher rank and post of Under Secretary either since the date of their eligibility in the year 2021 or from such date when vacancies of the post of Under Secretary have arisen.

2. At the outset, learned counsel for the petitioners submits that the issue involved in this writ application, except the issue of non-functional grade pay; the matter is pending before the Division Bench of this Court and the Division Bench has already stayed the order passed by the Writ Court, which was earlier in favour of the petitioners of that case. Accordingly, learned counsel, upon instructions, submits that the instant application may be disposed of by giving liberty to the petitioner to raise their grievance of non-functional grade pay before the concerned respondents and they may be directed to look into the matter by passing an appropriate order.

3. Learned counsel further submits that if the Division Bench of this Court rejects the appeal, in that case, the petitioners may be granted liberty to approach the concerned respondents or this Court for same and similar relief.

4. There is no objection from the respondents.

5. Accordingly, the instant application stands disposed of by granting liberty to the petitioners to approach the respondent No. 2 with regard to their claim of non-functional grade pay, who shall decide the claim of the petitioners by passing a reasoned order in accordance with the applicable rules and regulations, within a period of 12 weeks from the date of receipt/production of a copy of this order.

6. It goes without saying that if the appeal which is on same and similar issue and is pending before the Division Bench goes against the State, then the present petitioners would be at liberty to knock the door of this Court and/or appropriate forum for getting similar reliefs.

7. With the aforesaid observations, the instant writ application stands disposed of.

(Deepak Roshan, J.)

8th September, 2026
Kunal/
Uploaded
15.09.2026