2026:JHHC:1254

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 5078 of 2019

Dinesh Prasad, aged about 60 years, son of Late Ram Narain Prasad, resident of Devi Mandap Road, Hehal, P.O. Hehal, P.S. Sukhdeo Nagar, District Ranchi. **... … Petitioner(s)**

Versus

1 The State of Jharkhand.

2. The Secretary, Rural Works Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. and P.S. Dhurwa, District Ranchi.

3. The Commissioner, South Chhotanagpur Division, Ranchi, having its office at Kutchhery Chowk, P.O. G.P.O., P.S. Kotwali, District Ranchi.

4. The Superintending Engineer, Rural Works Department, Works Circle, Ranchi officiating from Abhiyantran Bhawan, Room No. 103, 1st Floor, Kutchery Chowk, P.O. GPO, P.S. Kotwali, District Ranchi.

5. The Accountant General, Jharkhand, Ranchi, P.O. and P.S. Doranda, District Ranchi. **... … Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Ms. Sharda Kumari, Advocate
For the Respondent(s) : Mr. Suresh Kumar, SC (L&C)-II

Order No. 13/Dated: 16th January 2026

The instant writ application has been preferred by the petitioner for the following reliefs:

> *"1. ...for issuance of an appropriate writ / writs, order / orders, direction /directions upon the respondents as to why respondents may not be directed to pay 2nd ACP from 16.03.2003 in the pay scale of Rs. 5500-175-9000/- and MACP from 16.03.2013, Pay Band-II in the pay scale of Rs. 9300-34800/- and on that basis the fitment of the 7th pay commission and after that on that basis the payment of gratuity, earned leave salary, and pension with statutory interest after quashing the order dated 30.07.2011 and letter dated 13.10.2011 issued by the respondent no.4 (Annexure 3 & 4) so far as the petitioner is concerned."*

2. The only stand of the respondent-State is that the petitioner is not entitled for 2nd ACP/MACP as he has not passed the departmental examination. He relies upon the averments made in the counter-affidavit however he could not dispute the fact that the issue with regard to passing

of departmental examination for the purpose of ACP/MACP benefit is now no more *res integra*.

3. As a matter of fact, the issue with regard to passing of departmental examination for ACP/MACP benefit has been set at rest in ***"Amresh Kumar Singh & Ors. v. State of Bihar & Ors."*** [1] wherein the Hon'ble Apex Court has held at paragraph nos. 13 to 17 as under:

> ***"13.*** *At the cost of repetition, it must be borne in mind that the object of ACP is to avoid stagnation where no promotional avenues are available. The grant of ACP is not technically a grant of promotion but increase in the pay scale to the next higher grade retaining the employee on the post held by him. This is only to accord monetary benefit without disturbing any seniority or actually effectuating promotion to any higher post to avoid stagnation on a particular post or pay scale for a very long period.*
> ***14.*** *The object and purpose of ACP/MACP Scheme has been reiterated by this Court in Union of India v. C.R. Madhava Murthy, (2022) 6 SCC 183, as one to relieve the frustration on account of stagnation and it does not involve actual grant of promotional post but merely monetary benefits in the form of next higher grade subject to fulfilment of qualifications and eligibility criteria.*
> ***15.*** *In sum and substance, both 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. The effect of the schemes must be judged keeping in view the object and the purport of the scheme.*
> ***16.*** *In Union of India v. G. Ranjanna reported in (2008) 14 SCC 721, the three-Judges Bench of this Court held that in situ promotions are made to remove stagnation of grade C and grade D employees by giving them certain monetary benefits.*
> ***17.*** *It was further observed that fulfilment of educational qualifications prescribed under the recruitment rules for the purposes of promotion are not necessary for non-functional in situ promotion. In other words, educational qualification required for the purposes of promotion is not necessary for the grant of in situ promotion, i.e., only for extending the monetary benefit where there are no promotional avenues and the employees are likely to be stagnated."*

4. Since the issue with regard to payment of ACP is now no more *res integra*, accordingly, the order dated 30.07.2011 so far as petitioner is concerned, and also letter dated 13.10.2011 issued by respondent no.4 whereby order of recovery was passed against the petitioner are quashed

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[1] 2023 SCC OnLine SC 496

and set aside.

5. The instant writ application stands allowed and the concerned respondent is directed to look into the matter and calculate the ACP/MACP benefits of the petitioner and pass an order to that effect. The petitioner is directed to serve a copy of this order to respondent no.4 for brevity. The concerned respondent shall make payment to the petitioner within a period of 12 weeks after serving a copy of this order to the respondent no.4.

(Deepak Roshan, J.)

16th January 2026

Amit

N.A.F.R

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