IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 527 of 2025

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1. The State of Jharkhand
2. The Principal Secretary, Rural Works Department, Government of Jharkhand, Ranchi
3. The Additional Secretary, Rural Works Department, Government of Jharkhand, Ranchi
4. The Joint Secretary, Rural Works Department, Government of Jharkhand, Ranchi
5. The Engineer-in-Chief, Rural Works Department, Government of Jharkhand, Ranchi
6. The Chief Engineer, Rural Works Department, Government of Jharkhand, Ranchi
7. The Superintending Engineer, Rural Works Department, Work Circle, P.O. & P.S.- Dupugarha, District- Hazaribagh
8. The Executive Engineer, Rural Works Department, Works Division, Indrapuri Chowk, P.O.-Hazaribag Head Office, P.S.- Sadar, District- Hazaribag … … Appellants

Versus

Mohan Rajak, son of Late Aman Rajak, resident of Krishnapuri, Street No. 4, Matwari, P.O.- Korrah, P.S. Sadar, District- Hazaribag …. … Respondent

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants : Mr. Manish Kumar, Sr.S.C.-II
Mr. Ashwini Bhushan, A.C. to Sr.S.C.-II
For the Respondent : Mr. Jay Shankar Tiwary, Advocate

Reserved on 29.06.2026 **Pronounced on 06.07.2026**

Per : Rajesh Shankar, J. :

1. The present Letters Patent Appeal is directed against the order dated 19.12.2024 passed by the learned Single Judge in W.P.(S) No. 3723 of 2024 whereby the said writ petition filed by the writ petitioner/respondent has been allowed by quashing and setting aside the office order as contained in memo no. 2400 dated 26.07.2023 issued by the Deputy Secretary, Department of Rural Works, Government of Jharkhand as well as the office order as contained in memo no. 924 dated 22.04.2024 issued by the Joint Secretary, Department of Rural Works, Government of Jharkhand (the respondent no. 4). The respondents/appellants have further been directed to issue formal order of confirmation with respect to the writ petitioner's date of joining in service i.e., 01.03.1988 and to keep intact the benefits of 1st ACP and 2nd MACP already granted to the writ petitioner w.e.f. 01.03.2000 and 01.09.2008 respectively. The appellants have also been directed to extend the benefit of 3rd MACP to the writ petitioner w.e.f. the date of completion of 30 years of his service irrespective of the fact whether he has passed the departmental examination or not.

2. The factual background of the case as stated in the writ petition is that the writ petitioner/respondent was appointed on the post of Junior Accounts Clerk vide office order as contained in memo No. 355 dated 20.02.1988 issued by the respondent no. 7. Pursuant to the said office order, the writ petitioner joined his service on 01.03.1988. Subsequently, he passed "Hindi Noting & Drafting Examination" on 03.05.1990.

3. The writ petitioner/respondent was also declared successful in the 1st and 2nd papers of departmental accounts examination vide result as contained in memo no. 417 dated 24.03.1993. Subsequently, he was granted 1st ACP w.e.f. 1.3.2000 and 2nd MACP w.e.f. 1.9.2008. After completion of 30 years of satisfactory service, the writ petitioner submitted a representation for grant of 3rd MACP, however the same was not granted to him. The respondent no. 7, vide letter no. 338 dated 11.06.2022, informed to the respondent no. 8 that the writ petitioner did not fully pass the departmental accounts examination as it was mandatory to pass 1st, 2nd and 5th papers of the said examination so as to approve confirmation of service/MACP. The writ petitioner/respondent subsequently passed 5th paper of departmental accounts examination on 31.07.2022 and his service was confirmed w.e.f. 01.08.2022 vide office order as contained in memo no. 2400 dated 26.7.2023. Thereafter, vide office order as contained in memo No. 924 dated 22.04.2024, the benefit of 1st ACP was shifted to 01.08.2022 and the benefit of 2nd MACP granted to the writ petitioner/respondent was taken away.

4. The writ petitioner/respondent filed a writ petition being W.P.(S) No. 3723 of 2024 which was allowed vide order dated 19.12.2024 quashing and setting aside the office order as contained in memo no. 2400 dated 26.07.2023 as well as the office order as contained in memo no. 924 dated 22.04.2024. The appellants were also directed to issue formal order of confirmation with respect to the writ petitioner's date of joining in service i.e., 01.03.1988 with further direction to keep intact the benefits of 1st ACP and 2nd MACP already granted to him w.e.f. 01.03.2000 and 01.09.2008 respectively. The appellants were also directed to extend the benefit of 3rd MACP to the writ petitioner/respondent w.e.f. the date of completion of 30 years of his service irrespective of the fact whether he had passed the departmental examination or not. The said exercise was to be completed within a period of eight weeks from the date of receipt/production of a copy of the order dated 19.12.2024.

5. The learned counsel for the appellants submits that the writ petitioner's representation for getting the benefit of 3rd MACP was considered by the Screening Committee in its meeting held on 09.04.2024 in which a decision was taken that grant of 1st ACP and 2nd MACP to him was an error as the same was granted without confirmation of his service as well as without passing the departmental examination. Accordingly, vide office order dated 22.04.2024, the grant of 1st ACP to the writ petitioner/respondent was modified and shifted from 01.03.2000 to 01.08.2022 as well as the grant of 2nd MACP was taken away.

6. It is further submitted that the writ petitioner/respondent had passed 5th paper of the departmental accounts examination on 31.07.2022 and as such his service was confirmed with effect from 01.08.2022 which is legal and justified.

7. It is also submitted that the claim of the writ petitioner/respondent to grant him 3rd MACP by treating his service confirmed from the date of joining and not w.e.f. 01.08.2022, is contrary to the Jharkhand Accounts Clerical Service Cadre (Recruitment, Promotion & Terms of Service) Rules, 2018 (in short, "the Rules, 2018") which govern the service conditions, promotion pathways and departmental examination requirements.

8. Learned counsel for the appellants further argues that the learned Single Judge did not appreciate that the action of the State authorities in revising 1st ACP and 2nd MACP earlier granted to the writ petitioner/respondent, was rectification of an error as soon as the same came to their notice. Moreover, it was done on the recommendation of the Screening Committee.

9. On the contrary, the learned counsel for the writ petitioner/respondent submits that passing of the 1^{st}, 2^{nd} and 5^{th} papers of the departmental accounts examination was not a condition precedent to extend the benefits of ACP/MACP.

10. It is further submitted that the writ petitioner/respondent passed the 5^{th} paper of departmental accounts examination on 31.07.2022 and as such his service should have been confirmed from the date of his joining.

11. It is also submitted that in course of argument before the writ court, the appellants did not contest the claim of the writ petitioner/respondent to grant him 3^{rd} MACP after completion of 30 years of satisfactory service and as such they cannot be allowed to turn round and deny his claim.

12. Heard learned counsel for the parties and perused the materials available on record.

13. The learned counsel for the present appellants had submitted before the writ court, as appears from the impugned order, that the case of the writ petitioner/respondent was squarely covered by the judgment rendered in the case of **Somnath Ojha Vs. State of Jharkhand and Others [W.P.(S) No. 5307 of 2022**] and therefore similar benefits might be extended to him.

14. The learned counsel for the appellants argues before this Court that the confirmation of service and passing of departmental accounts examination including the 5th paper are the pre-requisite for grant of ACP/MACP. As such, the benefit of the 1st ACP and the 2nd MACP earlier granted to the writ petitioner/respondent w.e.f. 01.03.2000 and 01.09.2008 respectively has rightly been modified and the 1st MACP has been granted to him w.e.f. 01.08.2022 i.e., the date of confirmation of his service after passing the 5th paper of departmental accounts examination on 31.07.2022.

15. The learned counsel for the respondent has put much reliance on the judgment of the Hon'ble Supreme Court rendered in the case of **Amresh Kumar Singh & Others vs. State of Bihar and Others** reported in **2023 SCC OnLine SC 496**, whereas the learned counsel for the appellants has tried to distinguish the facts of the present case with that of **Amresh Kumar Singh (Supra.)**.

16. We have perused the judgment rendered in the case of **Amresh Kumar Singh (supra)**. In the said case, the appellants filed writ petition seeking benefit of Assured Career Progression (ACP) on completion of 12 years of service to avoid stagnation which was allowed by the writ court. However, in appeal, the Division Bench accepted the contention of the State of Bihar that for the purpose of grant of ACP, as per the rules, the qualification of graduation was *sine qua non* which was not possessed by the appellants and as such the writ court had committed an error in extending the benefit of ACP to the appellants who were not eligible and qualified for the said benefit. The matter having travelled to the Hon'ble Supreme Court, Their

Lordships have held that both ACP and MACP Schemes are devised with an object to ensure that the employees who are unable to avail of adequate promotional opportunities, get some relief in the form of financial benefits. Accordingly, the said schemes provide for regular financial upgradation on completion of 12-24 years (in case of ACP) and 10-20-30 years (in case of MACP) of service without promotion. These are incentive schemes for the employees who complete a particular period of service but without getting promotion due to lack of promotional avenues. The effect of the schemes must be judged keeping in view their object and purport. In the said case, Their Lordships have referred an earlier judicial pronouncement rendered in the case of **Union of India & Another Vs. G. Ranjanna & Ors.** reported in **(2008) 14 SCC 721** wherein three-Judges Bench of the Hon'ble Supreme Court had held 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.

17. It is no more *res integra* that the purpose of grant of ACP/MACP is to provide monetary benefits to the employees due to stagnation in service. As such, the requirements for grant of promotion cannot be the condition precedent to grant of ACP/MACP by which only monetary benefit is extended to an employee in absence of promotional avenues.

18. Thus, stand of the appellants that the grant of ACP/MACP of the writ petitioner/respondent has been revisited on the ground of his not having passed the departmental accounts examination and his service being not confirmed, has no leg to stand.

19. Otherwise also, the writ petitioner/respondent was appointed in service vide office order as contained in memo no. 355 dated 20.02.1988. He passed the "Hindi Noting and Drafting examination" on 03.05.1990. He also passed the 1st and 2nd papers (final level) of departmental accounts examination and thereafter was granted benefits of the 1st ACP and 2nd MACP w.e.f. 01.03.2000 and 01.09.2008 respectively. The grant of 1st ACP and 2nd MACP was never questioned by the appellants till the writ petitioner/respondent filed representation for grant of 3rd MACP on completion of 30 years of his service.

20. The appellants have not been able to show any rule/guidelines in vogue at the time of grant of 1st ACP and 2nd MACP to the writ petitioner/respondent or even at the time of filing of his representation for grant of 3rd MACP suggesting that passing of the 5th paper of departmental accounts examination was a pre-requisite for grant of ACP/MACP. The Rules, 2018 on which much reliance has been placed by the appellants, is effective from the date of issuance of the notification i.e. 24.04.2018. As such, by relying on the said Rules, the benefits already accrued to the writ petitioner/respondent prior to issuance of the said notification, could not have been taken away by the appellants. Even otherwise, ultimately the writ petitioner passed the 5th paper of the departmental accounts examination and as such his service was required to be confirmed with effect from the date of his joining and not from the date of passing of 5th paper of the departmental accounts examination. Even rule 7 of the Rules, 2018 does not specify that the service of an employee will be confirmed with effect from the date of passing of the departmental accounts examination.

21. In view of the aforesaid discussion, we do not find any infirmity in the order dated 19.12.2024 passed in W.P.(S) No. 3723 of 2024.

22. The present appeal being devoid of merit is, accordingly, dismissed.

23. Pending application(s), if any, also stands disposed of.

(M.S. Sonak, C.J.)

(Rajesh Shankar, J.)

July 06, 2026
Ritesh/**A.F.R.**
Uploaded on 06.07.2026