

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 962 of 2026

1. Smt. Jagmani Toppon, aged about 54 years, Wife of Sandey Tiu, Resident of Village-Porodih, P.O.-Saraikela, District-Saraikela, Jharkhand, presently posted District Co-operative Officer, Saraikela.

2. Umesh Kumar Sinha, aged about 57 years, Son of Anuj Kumar Sinha, Resident of Mohalla-Okni, Raja Banglow Road, P.O. P.S. Hazaribagh, Jharkhand, presently posted District Co-operative Officer, Palamu.

..... Petitioner (s)

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, at Project Bhawan, Dhurwa, P.O. + P.S.-Dhurwa, District-Ranchi, Jharkhand.

2. The Secretary, Department of Agriculture Animal Husbandry and Co-operative, Government of Jharkhand, At Nephal House, P.O. + P.S. Doranda, District-Ranchi, Jharkhand.

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

4. The Member, Board of Revenue Government of Jharkhand, at Project Bhawan P.O. + P.S.-Dhurwa, Dhurwa, District-Ranchi, Jharkhand.

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. P.P.N. Roy, Sr. Adv
Mr. Ranjan Prasad Ram, Adv

For the Respondent : Mrs. Laxmi Murmu, G.P.-I
Mr. Anil Kr. Singh, A.C. to G.P.-I

C.A.V. ON: 28/04/2026

PRONOUNCED ON: 22/06/2026

1. Heard learned counsel for the parties.

2. The instant writ petition has been preferred for directions upon the respondents to grant regular promotion to the petitioners to the post of Deputy Registrar and thereafter Joint Registrar as per the Resolution No.398 dated 16.01.2012

(Annexure-4), and Regulation No.210 dated 12.05.2014 (Annexure-5), issued by Department of Personnel Administrative Reforms and Official Language, Government of Jharkhand, Ranchi. The petitioners further pray for a direction to grant the financial benefit along with arrear from the date since when they are entitled to get the benefit as they have been appointed on 14.11.2008 and their service were confirmed on 15.11.2010 and at present there are seven post vacant of Deputy Registrar along with six posts of Joint Registrar.

3. The brief facts of the case, as it appears from the pleadings, are that the petitioners were appointed on the post of Assistant Registrar/District Co-operative Officer under the Co-operative Service through the Second Jharkhand Public Service Commission. Their appointments were made on 14.11.2008 and their services were confirmed on 15.11.2010, as reflected from the departmental communication contained in Memo No. 1204 dated 19.05.2016. The petitioners have continued to discharge their duties for more than seventeen years without being granted regular promotion, despite availability of promotional posts in the cadre. By Memo No. 1005 dated 16.09.2021, the seniority list of 59 officers was issued, wherein petitioner no. 1, Smt. Jagmani Toppon, stood at Serial No. 21 and petitioner no. 2, Umesh Kumar Sinha, stood at Serial No. 17. Thereafter, by Memo No. 1281, the updated seniority list

again reflected the petitioners above Sri Prakash Kumar and Sri Abhinav Mishra, who were placed at Serial Nos. 27 and 28, respectively.

4. The grievance of the petitioners is that although they fulfilled the eligibility conditions and although promotional posts were available, the respondents failed to convene timely Departmental Promotion Committee meetings and also failed to consider the case of the petitioners for regular promotion. On the other hand, persons junior to the petitioners, have been provisionally promoted and posted on higher posts. The petitioners, therefore, approached the respondent authorities by filing representations, including representation dated 10.01.2026, but no decision was taken. Being aggrieved, the petitioners have preferred the present writ application.

5. It has been submitted by Ld. Sr. Counsel for the petitioners that non-consideration of the petitioners for regular promotion, despite completion of the requisite period of service and availability of promotional posts, is arbitrary and discriminatory. It has been further submitted that the respondents were under a statutory and administrative obligation to convene Departmental Promotion Committee meetings at regular intervals. In this regard, reliance is placed upon Resolution No. 3286 dated 07.02.2014 issued by the Department of Personnel, Administrative Reforms and

Rajbhasha, which mandates that expeditious steps be taken for promotion of eligible personnel against vacant promotional posts and that meetings of the Departmental Promotion Committee should be convened at least twice in a year.

6. Ld. Sr. Counsel further submitted that the real grievance in the present writ petition is not a claim for mere financial upgradation, but the arbitrary denial of regular promotion to the petitioners, despite their seniority and eligibility, while persons junior to them have been promoted and posted on higher posts. It was next submitted that the petitioners are continuing in Grade Pay of Rs. 5400/- and have not been granted the higher Grade Pay of Rs. 6600/- as sought to be projected by the respondents.

7. He contended that the promotional claim of the petitioners is therefore required to be considered independently on the basis of their seniority, eligibility, availability of promotional posts and the fact that juniors have already been granted promotion/posting.

8. *Per contra*, the respondents in their counter affidavit have taken the stand that vide Departmental Notification contained in Memo No. 163 dated 11.02.2025, as modified vide Memo No. 518 dated 14.05.2025, the petitioners have been granted the financial benefits of 1st M.A.C.P. with effect from 14.11.2018 upon completion of ten years of continuous service. On the

strength of the said assertion, the respondents have pleaded that the writ petition has no merit and is liable to be dismissed.

9. In reply to the counter affidavit, the petitioners have specifically stated that the aforesaid stand of the respondents is factually incorrect and misleading. According to the petitioners, though Memo No. 163 dated 11.02.2025 was relied upon by the respondents to indicate enhancement of Grade Pay from Rs. 5400/- to Rs. 6600/-, the department itself subsequently issued Notification contained in Memo No. 518 dated 14.05.2025, whereby the earlier position was modified and the Grade Pay of the petitioners was again fixed at Rs. 5400/-. Thus, on a conjoint reading of both notifications, particularly Annexure-1/B to the rejoinder affidavit, it becomes clear that the petitioners are continuing in Grade Pay of Rs. 5400/- and have not been granted the higher Grade Pay of Rs. 6600/-.

10. Having heard learned counsel for the parties and upon perusal of the materials on record it appears at the outset that the respondents' reliance upon the alleged grant of M.A.C.P. does not answer the controversy involved in the present writ petition. The petitioners have brought on record that Memo No. 163 dated 11.02.2025 was subsequently modified by Memo No. 518 dated 14.05.2025 and, upon such modification, the Grade Pay of the petitioners was again fixed at Rs. 5400/-. Annexure-1/B to the rejoinder affidavit prima facie supports the

contention of the petitioners that they are still continuing in Grade Pay of Rs. 5400/- and that the respondents cannot defeat the writ petition by relying upon an incomplete or misleading presentation of the M.A.C.P. position.

11. It further appears that the statutory Rules/Resolutions support the claim of the petitioners. Rule 3 of the *Jharkhand Co-operative Society Rules, 2012* places Assistant Registrar/District Co-operative Officer in Grade Pay of Rs. 5400/-; whereas Rule 16 makes the qualifying duration dependent upon the instructions issued by the Department of Personnel, Administrative Reforms and Official Language. In that backdrop, Resolution No. 398 dated 16.01.2012 becomes directly relevant, as Serial No. 17 contemplates the next promotional stage from Grade Pay of Rs. 5400/- to Rs. 6600/- after five years and Serial No. 18 contemplates further promotion from Grade Pay of Rs. 6600/- to Rs. 7600/- after another five years.

12. Rule 17 is also material, as it mandates that promotion shall be considered by the Departmental Committee constituted under the Chairmanship of the Member, Board of Revenue, on the principle of seniority and eligibility. Thus, once promotional vacancies were available and juniors namely Sri Prakash Kumar and Sri Abhinav Mishra were granted higher posting/promotion, the respondents were duty bound to place

the petitioners' cases before the competent Departmental Promotion Committee. Non-consideration of seniors while considering juniors is contrary to Rule 17 and offends Articles 14 and 16 of the Constitution of India, unless supported by valid reasons recorded in accordance with law.

13. Further the Resolution No. 210 dated 12.05.2014 further strengthens the petitioners' case, as it permits relaxation up to 50% of the prescribed period where vacancies are available and promotion is delayed for non-completion of the prescribed period, except where the officer is responsible for delay or the delay is due to departmental proceeding or criminal case. The respondents have not shown any such disqualification, legal impediment or adverse material against the petitioners.

14. Therefore, administrative inaction in not convening timely D.P.C. meetings and in not considering the petitioners for regular promotion, despite availability of posts and promotion/posting of juniors, is arbitrary and unsustainable.

15. In view of the aforesaid discussion of the applicable Rules and Resolutions, this Court is of the considered view that the writ petition cannot be dismissed on the basis of the respondents' plea regarding M.A.C.P., particularly when Annexure-1/B to the rejoinder affidavit indicates that the later notification dated 14.05.2025 modified the earlier notification and maintained the Grade Pay of the petitioners at Rs. 5400/-.

16. Thus, the principal question still remains as to whether the petitioners, being admittedly senior, were entitled to be considered for regular promotion before or at least along with their juniors. The answer is yes.

17. The respondents are, therefore, required to consider the petitioners' case for regular promotion to the post of Deputy Registrar and thereafter to the post of Joint Registrar, in accordance with the applicable Rules/Resolutions and their seniority position, by convening a duly constituted Departmental Promotion Committee.

18. Accordingly, the respondents are directed to place the cases of the petitioners before the competent Departmental Promotion Committee for consideration of their regular promotion to the post of Deputy Registrar and thereafter Joint Registrar, in accordance with law, the applicable Rules, Resolutions and seniority position. If the petitioners are found fit and eligible, they shall be granted promotion notionally from the date their juniors were promoted or from the date they became legally entitled, whichever is applicable in law, with all consequential service benefits and admissible financial benefits.

19. The exercise shall be completed within a period of twelve weeks from the date of receipt/production of a copy of this order.

20. The respondents shall pass a reasoned and speaking

order, if for any reason the petitioners are not found entitled to promotion, after considering their seniority, eligibility, vacancy position, the promotion/posting already granted to juniors and the effect of Memo No. 518 dated 14.05.2025.

21. Accordingly, the instant writ petition stands disposed of. Pending I.As., if any also stands disposed.

(Deepak Roshan, J.)

Dated:22 /06/2026
Amardeep/
A.F.R

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25.06.2026