

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1452 of 2024

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Champai Bodra, aged about 60 years, son of Late Ransi Bodra, resident of 47, Jojobasa, Hatia, P.O. and P.S. Hatia, District-Ranchi, Jharkhand. **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand.
2. The Secretary, Agriculture, Animal Husbandry and Co-operative Department, (Agriculture Division) Govt. of Jharkhand, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, District Ranchi, Jharkhand.
3. The Under Secretary, Agriculture, Animal Husbandry and Co-operative Department, Govt. of Jharkhand, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, District Ranchi, Jharkhand.
4. The Accountant General (A & E), Jharkhand, Ranchi, having its office A.G. Colony, P.O. and P.S. Doranda, District Ranchi. **.....Respondent (s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Jay Shankar Tiwary, Adv
 For the Respondent (s): Mr. Nawal Kishor Pandey, S.C
 (L&C)-I

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06/21.04.2026 I.A. No. 172 of 2025

1. Heard learned counsel for the parties.
2. The instant interlocutory has been preferred by the petitioner for making amendment in the writ application.
3. Learned counsel for the petitioner submits that during the pendency of this case, and after filing of counter-affidavit, it has become necessary to incorporate certain prayers, for which an amendment is required.
4. Learned counsel for the respondent-State does not have any serious objection.
5. Having regard to the submission made by learned counsel for the parties and the averments made in this interlocutory application, the I.A. No. 172 of 2025 is allowed.

6. Let this interlocutory application be treated as part of the main writ application.

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

- (i) *For issuance of an appropriate writ/writs, order/orders, direction / directions, particularly a writ in the nature of mandamus commanding upon the respondents to grant the benefits of ACP / MACP to the petitioner as the petitioner has completed unblemished service of 32 years in the Department of Agriculture, Govt. of Jharkhand on Class-II post but the benefits of ACP/MACP have not been granted to him till his retirement on 31.03.2023.*
- (ii) *For issuance of an appropriate writ/writs, order/orders, direction / directions, particularly writ in the nature of a mandamus commanding upon the respondents to provide the benefits of 1st ACP, 2nd ACP and 3rd MACP to the petitioner and calculate the pension as per the grant of MACP and also provide the arrears of ACP and MACP along with statutory interest as the petitioner's claim has always been put-up for consideration, but till his retirement no benefit has been extended to him.*
- (iii) *For issuance of an appropriate writ/writs, order/orders, direction / directions, particularly a writ in the nature of mandamus commanding upon the respondents to immediate release the benefits of ACP/MACP to the petitioner and revised his pension after providing the arrears of ACP/MACP.*
- (iv) *For issuance of appropriate writ (s), order (s), direction (s), specifically a writ in the nature of certiorari for quashing of decision passed in the meeting of Revenue Council, dated 28.08.2023 and 09.10.2023 (Annexure-8), whereby the 1st ACP has been granted to the petitioner w.e.f. 23.09.2006 at the pay scale of Rs. 10000-15200/-, and 2nd MACP granted to the petitioner w.e.f. 03.12.2010 at the pay scale of Rs. 15600-39100/- and denied and this 3rd MACP has been decision has been taken in pursuance of the departmental examination has been passed by the petitioner on 23.09.2006, which is completely arbitrary as the petitioner is entitled for 1 ACP w.e.f. 03.12.2002, 2nd MACP w.e.f. 03.12.2010 and 3rd MACP w.e.f. 03.12.2020 as the petitioner joined the services on 03.12.1990 and completed unblemished 32 years of service.*
- (v) *appropriate writ For issuance (s), writ order (s), direction (s), specifically a writ in the nature of mandamus commanding upon the respondents to grant the 1st ACP w.e.f. 03.12.2002, 2nd MACP w.e.f. 03.12.2010 and 3rd MACP w.e.f. 03.12.2020 to the petitioner and pay the arrears of ACP/MACP benefits and also revised the pension of the petitioner, as the petitioner has retired from his services on 31.03.2023."*

8. The grievance of the petitioner is that, on the one hand, he has not been granted the 1st and 2nd ACP benefits

from the due date, and on the other hand, the 3rd MACP has been denied. The only ground which has been taken by the respondents is of non-passing of the departmental examination, inasmuch as, the respondents have extended the 1st and 2nd ACP benefits by calculating them from the date of passing of the examination, but insofar as 3rd MACP is concerned; same has been rejected on the same ground.

9. Learned counsel for the respondent relies upon the para 8 and 9 of counter-affidavit dated 25.11.2025. For brevity the same is extracted hereinbelow;-

“8. That it is humbly stated and submitted that the date of joining of the petitioner in Agriculture Services, Class-II is dated 03.12.1990. Keeping in view of date of Joining of the petitioner in Agriculture Service, in normal circumstances due date of 1st A.C.P., 2nd M.A.C.P. and 3rd M.A.C.P. would have been fixed as 03.12.2002, 03.12.2010 and 03.12.2020, respectively.

9. That it is humbly stated and submitted that since the date of final passing of the departmental examination of the petitioner in the context of Agriculture Service is 23.09.2006. In such a situation the delayed period of passing the departmental exam will have an impact to the due date of 1st A.C.P., 2nd M.A.C.P. and 3rd M.A.C.P. As a result of which due date of 1st A.C.P. of the petitioner will be dated 23.09.2006 and due date of 2nd M.A.C.P. will be dated 23.09.2014. Due to effect of delayed period of passing the departmental exam, 3rd M.A.C.P. will not be admissible to the petitioner as he had retired before the admissibility date.”

10. From bare perusal of the averments made in paragraphs 8 and 9 of the counter-affidavit, and also the impugned order which is part of I.A. No. 172 of 2025, it appears that the only ground which has been taken that the 1st and 2nd ACP benefits have been calculated from the date of passing of the examination, and the 3rd ACP/MACP has been rejected due to effect of delayed period of passing of the departmental examination.

11. Having heard learned counsel for the parties and after going through the impugned order; at the outset it is necessary to indicate that now the law is no more *res*

integra, inasmuch as, for the purpose of getting the benefit of ACP/MACP, passing of the departmental examination is not necessary as, in the case of **Amresh Kr. Singh & Ors. v. State of Bihar & Ors, reported in (2023) SCC Online SC 496**; it has been decided at para 12 to 20 as under.

“12. It may be worth noting that the ACP scheme was enforced on the recommendation of the Fifth Central Pay Commission in context with Group C and D employees and it provided monetary benefit to the employees on completion of 12 years and 24 years of regular service who were not able to get promotion. The scheme as such was anti-stagnation and envisages merely placement of the employees in the higher pay scale for the grant of financial upgradation only without grant of actual promotion. The benefit of the ACP as such is like granting non-functional in situ promotion.

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.

18. In the aforesaid case, the employees were working as malis (Gardeners) and had claimed promotion in the higher pay scale. The Central Administrative Tribunal seized of the original applications observed that the employees cannot claim the scale of the next higher post by way of in situ promotion. On the matter being taken to the High Court by way of a writ petition, the contention of the employees was accepted and it was observed that the object of in situ promotion on non-functional posts, is to ensure that the group C and D employees are not stagnated in the same cadre/pay scale and that they should be provided with certain monetary benefits. Therefore, the rejection of the claim for such nonfunctional in situ promotion on the ground that the employees do not possess the necessary minimum qualification of matriculation as per the rules is not justified and renders the order erroneous in law. The view so taken by the Division Bench of the High Court was affirmed by this Court in the above referred Civil Appeals holding that the High Court has correctly analysed the object of the in situ promotion and fixation of pay scales to Group C and D employees to avoid stagnation.

19. In view of the aforesaid legal position coupled with the fact that the qualification of graduation prescribed is for the promotion to the post of Accounts Officer rather than for the grant of in situ promotion on the non-functional post or for extending the benefit of ACP which is purely and simply in the nature of grant of monetary benefit without actually effectuating any promotion to any higher post, we are of the opinion that the judgment and order of the Division Bench of the High Court impugned in the appeals cannot be sustained. It is accordingly hereby set aside and that the judgment of the writ court dated 28.11.2017 is restored. The appellants are extended the benefit of ACP, as directed by the writ court.

20. We have not considered it necessary to deal with the two cases on the basis of which the Single Judge has allowed the writ petitions and granted the benefit of the ACP to the appellants, as we have independently of those two decisions have considered and held that the appellants are entitled to financial upgradation under the ACP Scheme on completion of requisite regular service ignoring the higher qualification prescribed for the next higher post as grant of such benefit is not actually a promotion but

only financial upgradation and if the higher qualification is insisted it would frustrate the purpose of the entire scheme.”

(emphasis supplied)

12. Having regard to the aforesaid facts and circumstances of the case and the settled position of law; the impugned order annexed as Annexure-8 to the interlocutory application, being I.A. No. 172 of 2025, is hereby, quashed and set aside, and the writ application is allowed.

13. The respondents are directed to calculate the monetary benefits under ACP/MACP without taking into consideration the date on which the petitioner passed the departmental examinations, inasmuch as, the Hon'ble Apex Court, in the above-referred case, has specifically held that employees should not be denied ACP/MACP benefits on the ground of non-passing of departmental examinations.

14. It goes without saying that, since the petitioner has already retired in the year 2023, the respondents shall ensure that, after calculating the arrears pertaining to ACP/MACP benefits, they issue the necessary order with regard to refixation of pension and forward the requisite request letter to the Office of the Accountant General for doing the needful.

15. Accordingly, the instant writ application stands allowed. Pending I.As., if any also stands disposed of.

(Deepak Roshan, J)

21.04.2026

Amardeep/

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