

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P. (S) No. 1158 of 2022**

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1. Chand Murmu, aged about 60 years, son of Bhairo Murmu, resident of village-Karmatand, P.O. Dobha, P.S. Jamtara, District Jamtara.
 2. Harinder Pandit, aged about 61 years, son of Late Kalipada Pandit, resident of village Lodna, P.O. Lodna, P.S. Mihijam, District Jamtara.
 3. Dindar Ali, aged about 61 years, son of Late Hamaruddin Mian, resident of Village Piarsola, P.O. Kelalki, P.S. Mihijam, District Jamtara.
 4. Dhruvpad Mandal, aged about 65 years, son of Late Sadhu Charan Mandal, resident of village Gaichand, P.O. and P.S. Jamtara, District Jamtara.
-Petitioner(s)**

Versus

1. The State of Jharkhand
 2. The Secretary, Department of Panchayati Raj, Government of Jharkhand, FFP Building, Project Bhawan, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi.
 3. The Deputy Commissioner, Jamtara, P.O.,P.S. and District Jamtara.
 4. The District Panchayat Raj Officer, Jamtara, P.O.,P.S. and District Jamtara.
 5. The Block Development Officer, Jamtara, P.O.,P.S. and District Jamtara.
-Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Saurav Arun, Advocate

Mr. Bhanu Kumar No.1, Advocate

Ms. Ayushi, Advocate

For the Respondent(s) : Mr. Devesh Krishna, S.C. (Mines)-III

16/Dated:-21.04.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioners praying therein for the following reliefs:

- (i) *For issuance of appropriate writ(s), order(s) and/or direction(s) including a writ in the nature of Mandamus, commanding the concerned respondents to immediately and forthwith grant benefit of A.C.P./2nd ACP/MACP to the petitioners with effect from effective date along with arrears arising out of said benefit;*

- (ii) *For issuance of appropriate writ(s), order(s) and/or direction(s) including a writ in the nature of Mandamus, commanding the concerned respondents to revise and fix the pension of the petitioners after grant of benefit of ACP/2nd ACP/MACP including arrears of emoluments arising thereof under the head of retiral benefits;*
- (iii) *For issuance of appropriate writ(s), order(s) and/or direction(s) including a writ in the nature of mandamus directing the concerned respondents to pay all consequential benefits arising out of benefit granted to the petitioners;*

3. During pendency of this writ application, it has been submitted by learned counsel for the petitioners that initially, the fixation of ACP/MACP was given to petitioner Nos.1, 2 and 3 from different dates, but the respondents have rectified their mistake, however, still they have not re-fixed the pension of these petitioner Nos.1, 2 and 3 by giving benefit of ACP. So far as the petitioner No.4 is concerned, there is no reason as to why ACP has not been given from the due date.

4. This Court fails to understand that when the Government has already taken a decision and there is notification with regard to payment of ACP/MACP benefit with certain conditions, then if there is no any lacuna in the career progression of the petitioners, there is no right of the government for not giving the ACP/MACP benefit.

5. In this case also, a ground has been taken for petitioner No.4 that he did not pass a departmental examination, but now, since the issue of passing of departmental examination has been set at rest in the case of **Amresh Kumar Singh vs. State of Bihar & Ors.**, reported in **2023 SCC OnLine SC 496**, thus, now for petitioner No.1 also, there is no legal impediment and nothing has been found from either of the counter affidavits.

6. It goes without saying that several affidavits have been

filed i.e. six affidavits and this is nothing but to delay and defeat justice on behalf of the Government.

7. Accordingly, the instant writ application stands allowed and disposed of by directing the concerned respondent to re-fix the pension of petitioner Nos.1, 2 and 3, inasmuch as, their rectification with regard to ACP/MACP benefit has already been done.

8. So far as the petitioner No.4 is concerned, the respondent is directed to rectify the date of granting ACP strictly in accordance with the notification and ignoring the clause of passing of departmental examination, which was initially taken by the respondents for not granting the ACP from the due date and thereafter, calculate the benefit of ACP from the due date i.e. from 2006 (1st ACP) and so on.

9. So far as prayer for re-fixation of pension is concerned, it is obvious that when the ACP benefit will be included in case of any employee, the respondents are duty bound to re-fix the pension. Accordingly, the respondents are hereby directed first to rectify the anomaly and take into account the date of ACP with regard to petitioner No.4 and thereafter, they shall re-fix the pension of the petitioner no.4 also.

10. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of copy of this order.

11. It goes without saying that in the case of petitioner No.4, it appears that due to paucity of fund, they have not paid the full amount as calculated by them, but unfortunately, there

cannot be any ground for not paying the money; as such, entire remaining amount shall be paid to him within the aforesaid stipulated time.

12. Accordingly, the instant writ application stands allowed. Pending I.A., if any, also stands closed.

(Deepak Roshan, J.)

APRIL 21, 2026
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10/06/2026