

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.323 of 2026

1. Jharkhand Urja Vikas Nigam Limited, through its Chairman-cum-Managing Director, having its registered office at Engineering Building, HEC Campus, Dhurwa, Ranchi.
2. The Managing Director, Jharkhand Bijli Vitran Nigam Limited, Engineering Building, HEC Campus, Dhurwa, Ranchi.
3. The General Manager (Administration), Jharkhand Urja Vikas Nigam Limited, having its registered office at Engineering Building, HEC Campus, Dhurwa, Ranchi.
4. The Deputy General Manager (P & GA), Jharkhand Urja Vikas Nigam Limited, having its registered office at Engineering Building, HEC Campus, Dhurwa, Ranchi.
5. The Electrical Executive Engineer, Electric Supply Division (West), Badri Bhawan, Ratu Road, Ranchi, Jharkhand Electric Supply Area, Ranchi under Jharkhand Urja Vikas Nigam Limited, at Engineering Building, HEC Campus, Dhurwa, Ranchi.

..... Appellants.

-Versus-

Manoj Kejriwal, son of Late Murari Lal Kejriwal, resident of Circular Road, near Kutchery Chowk, P.O. G.P.O., P.S. Kotwali, District Ranchi, Jharkhand.

..... Respondent.

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

For the Appellants : Mr. Rajesh Kumar, Advocate
For the Respondent:

Order No.02

Date: 06.07.2026

1. Heard Mr. Rajesh Kumar, learned counsel for the appellants.
2. This appeal challenges the learned Single Judge's order dated 6th December, 2025 allowing the respondent's W.P.(S) No.4189 of 2018.
3. Mr. Rajesh Kumar submits that in this case, after the respondent's promotion, his pay scale was increased from Rs.14,610/- to Rs.14,940/-. He submitted that in such circumstances, the learned Single Judge erred in relying upon the decision in

Ishwari Prasad Mandal Vs. State of Jharkhand [W.P. (S) No. 6166 of 2008] to grant relief to the respondent herein.

4. Mr Rajesh Kumar further submitted that in this case the advance increments granted to the respondent were in the nature of special pay. He submitted that in accordance with the standing orders as applicable and which were not challenged, there was no question of adding the special pay or considering the special pay for determining the pay scale after promotion. He submitted that even this plea was incorrectly decided by the learned Single Judge.
5. For the above reasons, Mr Rajesh Kumar submitted that the learned Single Judge's impugned order warrants interference.
6. We have considered Mr. Rajesh Kumar's contention and also perused the record. However, we find no merit in either of the contentions raised before us warranting any interference with the impugned order in this Letters Patent appeal. Our brief reasons for this conclusion are set out hereafter.
7. Firstly, Mr Kumar's contention that the respondent's salary increased after promotion is only half the truth. Admittedly, before promotion, the respondent was drawing salary in the scale of Rs. 14610/-. This included the three advance increments granted to the respondent as an incentive to appear and qualify at the departmental examination. This was the appellants' own case as recorded in paragraph-4 of the learned Single Judge's impugned order.

8. Therefore, upon the respondent's promotion, the respondent's basic pay should have been considered as Rs.14,610/-which, to this, there should have been an addition of one increment of Rs.300/- and a further addition of the difference in grade pay of Rs.1200/-. This means that the respondent's basic pay would come to Rs. 16,110/- and not merely Rs.14,940/-. The basic pay of Rs.14,940/- has been incorrectly arrived at by completely ignoring the three advance increments that were already awarded to the respondent herein.
9. In the circumstances above, it is incorrect to assert, without evidence, that the respondent's basic pay scale increased after promotion. If there was any increase, it was certainly not commensurate with what was due to the respondent. Besides, the appellants could not have effectively withdrawn the three advance increments granted to the respondent or nullified their effect without even the minimum compliance with the principles of natural justice and fair play.
10. The decision in ***Ishwari Prasad Mandal (supra)*** fully supports the respondent's case, and the learned Single Judge correctly relied on it in making the impugned order. Further, the record shows that this Court's decision in ***Ishwari Prasad Mandal (supra)*** has attained finality consequent upon the dismissal of S.L.P. (C) No. 16507 of 2015.
11. As if the above were not sufficient, the record shows that the benefit of three advance increments was extended by the appellants to several other similarly situated employees, including

one Shambhu Nath Prasad whose case was the subject matter in L.P.A. No.220 of 2019. The learned Single Judge has also relied upon the decision in L.P.A. No.220 of 2019, and nothing is shown to us warranting a different view in this matter.

12. In fact, the learned Single Judge's order records the appellants' contention that, although similarly situated persons have been given the benefit of three advance increments, the appellant, i.e., J.U.V.N.L., is in an acute financial crisis and, therefore, the writ petition should be dismissed. Based on an alleged acute financial crisis, no exemption can be claimed from complying with the constitutional mandate under Article 14 of the Constitution of India, nor can hostile discrimination against the Respondent be practised.
13. As regards the second argument that the advance increments granted to the respondent herein constitute "special pay" and, therefore, must be ignored in terms of the standing orders, we again find this contention misconceived. In any event, this contention has been considered by the learned Single Judge in paragraph 8 of the impugned order, and there is no infirmity in such consideration.
14. The appellants had themselves contended that the advance three increments were given to the respondent and several others as an incentive to encourage them to qualify the departmental examination. Rule 42 upon which the appellants placed reliance provides that special pay means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted

in consideration of – (a) the specially arduous nature of the duties; or (b) a specific addition to the work or responsibility; or (c) the unhealthiness of the locality in which the work is performed.

15. None of the three eventualities referred to in Rule 42 was attracted in the present case. The three advance increments granted to the respondent herein and to several other similarly situated employees did not fall within any of the three circumstances referred to in Rule 42. Therefore, the learned Single Judge has correctly held that the appellants were not entitled to treat the three advance increments as special pay under Rule 42 of the Bihar (now Jharkhand) Service Code. In any event, the appellants have no answer as to why, in similar circumstances, benefits were extended to several employees, but such pay protection was denied to the respondent herein.
16. For all the above reasons, we find no merit in this appeal and consequently dismiss the same without any order for costs.

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

(Rajesh Shankar, J.)

6th July, 2026
Sanjay/AKT
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