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2026:JHHC:33186

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 7609 of 2026

Pawan Kumar Mandal, aged about 59 years, son of Sri S. K. Mandal, resident of Village-Vishal, Barmasia, P.O. & P.S.-Barmasia, District-Bhagalpur (Bihar)

..... Petitioner(s)

V E R S U S

The State of Jharkhand through the Secretary, Personnel Administrative Reforms and Rajbhasha Department, Govt. of Jharkhand, having its office at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District-Ranchi (Jharkhand).

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Saurabh Shekhar, Advocate
Mr. Anurag Kumar, Advocate
For the Resp.-State : Mr. Kishore Kr. Singh, S.C.-V
Mr. Krishna Prajapati, A.C. to S.C.-V

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C.A.V. ON: 27/10/2026 **PRONOUNCED ON:20/11/2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been filed by the petitioner, praying therein for his posting to be made on the post of Additional Secretary or equivalent rank, after his promotion to the IAS cadre, which has already been notified, by the Govt. of India. The competent authority in this respect, without any dispute and on admission of the respondent in their counter-affidavit, is the Govt. of Jharkhand.

3. Ld. Counsel for the petitioner submitted that the petitioner was initially appointed as an employee of the Jharkhand Administrative Service cadre and his initial posting was done as Deputy Collector in the erstwhile State

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of Bihar. Thereafter, he was shifted to the State of Jharkhand after the cadre bifurcation. The petitioner rendered his services and ultimately became eligible for consideration of promotion to the Indian Administrative Service cadre, in accordance with the provisions of Indian Administrative Service (Appointment by Promotion) Regulations, 1955. He was considered against the select-list of the year 2024, which was prepared on 16.02.2026 and ultimately, promotion was granted to him *vide* Govt. of India notification, dated 20.04.2026, as contained in Annexure-3 of the writ application.

4. Ld. Counsel further submitted that before grant of promotion, the petitioner was working as Joint Secretary in the Jharkhand Administrative Service Cadre, and his posting was in the Department of Women, Child Welfare and Social Security, Govt. of Jharkhand. He was posted as such, vide Govt. of Jharkhand notification, dated 14.10.2024. He was working as Joint Secretary, when he received the news of his promotion to the Indian Administrative Service Cadre, notified vide Govt. of India notification, dated 20.04.2026. Once the notification of promotion to IAS cadre was published, the petitioner immediately gave his joining before the Department of Personnel, Govt. of Jharkhand, on 24.06.2026 as a promoted officer of Indian Administrative

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Service. On receiving the joining report, the Govt. of Jharkhand through the Department of Personnel, notified on 11.05.2026 that the petitioner's posting on the post of Joint Secretary, in the Department of Women, Child Welfare and Social Security, Govt. of Jharkhand, Ranchi will continue. Therefore, the posting of the petitioner as Joint Secretary in the Department of Welfare that was there prior to his promotion to the IAS cadre was notified to be continued after his promotion to the IAS cadre.

5. It has been further submitted by Ld. Counsel that the petitioner was granted promotion and it was also notified to him, vide order as contained in Annexure-7, dated 20.05.2026, that he has been allotted batch of the year 2014, in the IAS cadre. This means that his seniority in the IAS cadre will be counted w.e.f. the year 2014.

6. Ld. Counsel contended that some other officers who had also been promoted to the IAS cadre, by way of Annexure-2, dated 13.04.2026 and belong to the 2015 batch, were granted promotion to IAS cadre and posting to Additional Secretary, vide common notification, dated 13.04.2026. Therefore, the petitioner is now aggrieved that the candidates who belong to 2015 batch have been granted posting as Addl. Secretary in the IAS cadre, whereas he, who has also been promoted to IAS cadre and is senior, being

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allotted 2014 batch, is posted in a junior rank office of Joint Secretary.

With this grievance, cause of action has been made out by the writ petitioner.

7. Ld. Counsel further contended that the petitioner has also pleaded that he had submitted annual property disclosure for the year 2025 (calendar year) in hard copy, vide application, dated 22.06.2026, and the hard copy of the annual property disclosure along with the covering letter was duly received by the department.

8. A counter-affidavit has been by the respondent State, in which they have admitted the position that the present is not a case of promotion; rather it is a case of posting, which lies under the administrative control of the Department of Personnel, Govt. of Jharkhand. They further plead that the main reason for not granting posting to the petitioner on Additional Secretary rank is that he has not submitted the annual property details of the year 2025 (calendar year) in an online format by the due date of January 2026.

9. In order to further support this position, Ld. Counsel for the respondents refers Annexure-A, B and C in their counter affidavit. The Annexure-A, which is the Govt. departmental letter, dated 16.03.2015, provides that in

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case, an Indian Administrative Service cadre employee does not submit the property details in due time, then under those circumstances, his/her future promotion will not be considered. Further, at Annexure-B, which is Govt. of Jharkhand notification dated 30.03.2021, provides that the property details will not be accepted anymore in offline format. Thereafter, at Annexure-C, the Govt. of India letter dated 23.12.2025 has been annexed, whereby, it has been observed that if an employee fails to provide annual immovable property return by 31st January next year, then it will be considered as to be a mis-conduct and disciplinary proceeding can be initiated or appointment to the next level of pay matrix will not be considered.

10. On the basis of the above annexures and pleadings in the counter affidavit, Ld. Counsel for the respondents had submitted that the present claim of the petitioner for posting as Additional Secretary of IAS cadre, is not tenable in the eyes of law.

11. Having heard learned counsel for the rival parties and upon perusal of the materials available on record, it transpires that the petitioner has already submitted property details, though in offline format, that has not been disputed by the respondent-State.

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12. However, it may not be necessary to go into the merits of this fact, in order to give any decision in the case. The decision in the present case may be based on the following other grounds.

13. On perusal of the claim of the petitioner and the reply of the respondent authorities, the present case of the petitioner can be understood as to be a case of posting and not of promotion. Further, it is not a case where any misconduct has been alleged or departmental proceeding has been initiated. It is also not a case where the petitioner is praying for his promotion to the next higher level.

14. It is just a case of giving the petitioner appropriate posting, suitable to his seniority, after he has already been promoted as an IAS officer. From perusal of the records and pleadings, it is clear that the present is a case of merely posting and none of the documents that have been annexed by the respondents in the counter affidavit as Annexures-A, B & C disclose that they are meant to press upon the employees to submit their annual property details, failing which the posting in the appropriate rank will be affected in any manner.

15. The petitioner was already promoted in the IAS cadre vide Govt. of India notification, dated 20.04.2026. The Govt. of India while granting promotion to the petitioner has

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nowhere raised any doubts about the non-supply of annual property details on part of the petitioner, for the year 2025.

16. It is clear from perusal of the promotional order, dated 20.04.2026 at Annexure-3 that the seniority list of the year 2024 was prepared on 16.02.2026, in which the name of the petitioner figured.

17. It is further evident that the annual property details of the year 2025, is an issue prior to the preparation of the above select-list. Once the select-list was prepared, the consideration took place and promotion notification was published on 20.04.2026; therefore, the entire fact of non-submission of the annual property details is an incident prior to the consideration and publication of the promotional order of the Petitioner to the Indian Administrative Services.

18. Once the promotional order has been published by the Government of India; now the question of posting is the only duty left in the hands of the respondent-State of Jharkhand. The State of Jharkhand, on its own admission has stated that it has the responsibility to allot posting to the petitioner.

19. Thus, what can be culled out from the entire discussions that once promotion has happened, without any dispute or issue raised by the Govt. of India; whether

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the Govt. of Jharkhand raise can any dispute or question on the point of posting of the petitioner in the IAS cadre, as per his seniority position.

20. The respondent-State of Jharkhand has not been able to show any of the documents or Govt. instruments to prove that on non-submission of the property details, the posting of an employee will be affected.

21. It is also to be noted that the petitioner belongs to the 2014 batch of IAS cadre while others who belong to 2015 batch have been granted Additional Secretary post. The respondent's stand is that the posting of the petitioner does not affect him adversely, but the position that the petitioner being a senior batch employee, has been granted posting as Joint Secretary, and others of junior batch have been granted posting as Additional Secretary is nowhere explained in the counter affidavit.

22. In view of the discussions made hereinabove, this Court is of the considered view that the action of the respondent-State in continuing the petitioner on the post of Joint Secretary, despite his promotion to the IAS and allotment of the 2014 batch, is arbitrary and unreasonable, particularly when officers belonging to the subsequent 2015 batch have already been granted posting in the rank of Additional Secretary.

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23. The respondents have failed to demonstrate any statutory provision or rule which authorises them to deny the petitioner an appropriate posting commensurate with his cadre status and seniority on the ground of non-submission of annual property returns.

24. Accordingly, the instant writ application is allowed and the respondent-State is directed to issue an appropriate posting order in favour of the petitioner in the rank of Additional Secretary or an equivalent post in the Indian Administrative Service, commensurate with his cadre status and seniority.

25. Since the petitioner is due to superannuate in January, 2027, the entire exercise shall be completed within a period of 6 weeks from today.

26. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated: 20 / 11/ 2026
Amardeep/
A.F.R
Uploaded on
23.11.2026