

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Regular Second Appeal No.1065 of 1989 (O&M)
Date of decision: 21.05.2015**

The State of Punjab and another

.....Appellants

Versus

Mrs. Harinder Sarang and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Sharma, DAG, Punjab,
for the appellants.

Mr. S.K. Sharma, Advocate,
for the respondents.

Ritu Bahri, J.

State of Punjab-defendant has come up in regular second appeal against the judgment dated 27.07.1988 passed by the Additional District Judge, Patiala, whereby appeal filed by the plaintiff-respondent No.1 had been accepted and her suit for declaration had been decreed to the effect that she was entitled to count her Adhoc service towards increment along with one additional increment for not joining the strike on 08.02.1978. She was further held entitled to abortion leave w.e.f. 19.02.1983 to 01.04.1983.

Mrs. Harinder Sarang-plaintiff filed a suit for declaration stating therein that joined as P.T.I. on 27.09.1976 at Rajpura on adhoc basis. Later on, she was regularized on 30.09.1980 as per instructions of the Government as she had completed one year adhoc service. As the plaintiff did not take part in the strike dated 08.02.1978, therefore, she was granted an increment

subsequently, the said benefit was withdrawn by the authorities. It was further alleged that she had proceeded on abortion leave from 19.02.1983 to 01.04.1983. But, the abortion leave was revoked by the defendants by relying upon a letter dated 28.02.1983.

Upon notice, the defendants-appellants filed written statement by submitting that one additional increment was granted to the regular employees of the Government, who had not participated in the strike on 08.02.1978. This increment could not be granted to the employees, who were working on adhoc basis. Since the plaintiff was working on adhoc basis, she was not entitled to such benefit. It was admitted that the services of the plaintiff were regularized w.e.f. 01.10.1980.

The trial Court partly decreed the suit of the plaintiff to the extent that she was entitled to abortion leave from 19.02.1983 to 01.04.1983 instead of Medical leave and rest of the claim was dismissed. The lower Appellate Court, however, on appeal held that the plaintiff had joined services as P.T.I. in the year 1976 and the defendants-appellants in the written statement had admitted that she had been regularized in service in view of the instructions issued by the Government on 03.03.1969, 29.01.1973, 03.05.1977, 20.10.1980, 26.10.1982, 28.03.1985 and 29.03.1985. These instructions were considered in a judgment passed by this Court in **Piara Singh etc. Vs. State of Haryana, through Secretary, Education, Haryana, Chandigarh and others**, CWP No.72 of 1988 (decided on 26.09.1988). Up till 08.02.1978, the plaintiff had rendered her services for more than one year, therefore, she had to be treated as a regular employee of the Government. Hence, she was entitled for payment of special increment, which was granted to those Govt. employees who had not

appellate Court that in view of the aforesaid instructions issued by the Government, the plaintiff became regular in service on 28.09.1977, therefore, she was entitled to first increment on 28.09.1977. The trial Court had already granted abortion leave to the plaintiff w.e.f. 19.02.1983 to 01.04.1983. Accordingly, the appeal was allowed and the above benefits were granted to her with simple interest of 12% per annum.

After going through the judgments passed by both the Courts below, it has not been disputed by the defendants-appellants that after being appointed in the year 1976, she stood regularized after serving for one year i.e. On 28.09.1977. Once, she had become regular on 28.09.1977, she was entitled for the benefit of one increment, which was paid to the employees, who had not participated in the strike on 08.02.1978. On this score, the judgment of the lower appellate Court does not require any interference.

With regard to the benefit of extension of abortion leave, the Government had issued letter dated 28.02.1983, Ex.D2, for revoking the benefit of such leave. But, the plaintiff-respondent No.1 had proceeded on leave prior to this date i.e. on 19.02.1983. Hence, this benefit could not be denied to her, as the operation of instructions/letter, Ex.D2, would be prospective.

Having examined the judgment passed by the lower appellate Court, no illegality, much less perversity, has been found therein warranting interference by this Court.

No substantial question of law arises for consideration.

Dismissed.

21.05.2015
ajp

(RITU BAHRI)
JUDGE