

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

CWP No.967 of 1995

Date of Decision: 18.03.2015

Vinod Kumar and others

....Petitioners

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.L. Dhingra, Advocate
for the petitioners.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J.

The present petition has been filed for issuance of a writ in the nature of *mandamus* directing the respondents to grant additional increments to the petitioners on their completion of 8 and 18 years continuous satisfactory service in a particular group including period of *ad hoc*/temporary/stipendary service followed by regular service for which regular increments have been given to them.

The petitioners were initially appointed on *ad hoc* basis against regular vacancies in the year 1971 or 1972 or later as stated against each petitioner. Subsequently, their services were regularized w.e.f. 01.01.1980 or 01.11.1986 in view of the policy of State Government. The petitioners were granted regular increments in the grade since their initial appointment on *ad hoc* basis but they were denied the benefit of *ad hoc* service and benefit on completion of 8 years and 18 years' service was not given to

them after counting that service.

Learned counsel for the petitioners submits that the petitioners have completed 8 and 18 years of total service including *ad hoc* and temporary service prior to the year 1991 in a particular group 'C', which was continuous, uninterrupted followed by regularization and in spite of making repeated requests, no action was taken. Learned counsel also submits that this controversy was the subject matter of challenge in **CWP No.741 of 1995** and other connected writ petitions, which came up for hearing before this Court and the same was allowed vide Order dated 23.07.2013. Learned counsel also submits that the said writ petitions were allowed in view of judgment passed in **Hanumant Singh and others vs State of Haryana and others 2008(4) RSJ 756** and **State of Haryana vs Haryana Veterinary and AHTS Association 2000(4) SCT 664 (SC)** and the petitioners in the above said writ petitions were granted the benefit of their past service.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the petitioners. The relevant portion of the judgment passed in **CWP No.741 of 1995** is reproduced as under :-

“ Since the learned counsel for the petitioners have limited their prayer to the grant of one additional increment only, I am of the view that the case of the petitioners is squarely covered by the ratio of judgment in Hanumant Singh and others v. State of Haryana and others (supra) and another judgment in State of Haryana v. Haryana Veterinary and AHTS Association (supra). The reasoning given in the aforesaid two judgments has also been approvingly followed by a Division Bench of this Court in C.W.P. No.11212 of 1995 titled **Suresh Kumar Gupta and others v. State of Haryana and others** decided on 3.7.2013 for the grant

of one additional increment.

For the aforesaid reasons, the writ petitions are allowed in the same terms as in Hanumant Singh and others v. State of Haryana and others (supra). The petitioners are held entitled to the benefit of one additional increment. However, it is made clear that only those petitioners will be entitled to this benefit whose appointment on initially on ad hoc basis followed by a regular appointment. The consequential benefits be released to the petitioners as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.”

Accordingly, this petition is allowed in terms of decision in **CWP No.741 of 1995**, wherein, the judgment of **Hanumant Singh and others** (supra) has been relied upon. Petitioners are also held entitled to the benefit of one additional increment.

However, it is made clear that only those petitioners will be entitled to this benefit, whose appointment was initially on *ad hoc* basis followed by regular appointment and necessary relief, for which, the petitioners are held entitled shall be released to them as expeditiously as possible, preferably within a period of three months from the date of receipt of a certified copy of this order.

18.03.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE