

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

CWP No.12999 of 1998(O&M)

Date of decision: 22.8.2016

Randhir Singh & anr.

... Petitioners

Versus

The State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

It is a well settled proposition of law, which needs no reiteration, that purely ad hoc service will not be counted towards seniority in the cadre controlled by rules. This is the factual situation here and in view of the statement of law in lead case; Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra and Others, (1990) 2 SCC 715 the prayer is disallowed. Further, the claim for ante-dated regularization can only be granted by virtue of policy instructions on regularization and the conditions therein are strictly satisfied. Only such period as is stipulated in the policy under which the petitioners were regularized would only count. Still further, the department has already paid to the petitioners the benefits of 8/18 years service from the date of regularization and ante-dated claim on this account to rope in ad hoc service is not tenable since that period would not be counted as “regular service”. Moreover, the request of the petitioners for counting of their ad hoc service prior to regularization for seniority and higher standard pay scales was conceded only in view of the Full Bench decision in Rakesh

Kumar Singla v. State of Haryana, 1995(4) RSJ 586, which judgment was overruled by the the Supreme Court in State of Haryana v. Haryana Veterinary and AHTS Association & anr., (2000) 8 SCC 4 by allowing the State appeal. The factual position is that the judgment in *Singla* on right to higher scales of pay by including ad hoc service was not implemented pending State appeal to the Supreme Court which succeeded. Therefore, no relief can be granted to the petitioners on this account as well. and the petitioners would alone retain what the department has given them willingly so far, in accordance with law.

No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

22.8.2016
monika

Whether speaking/reasoned

Yes

Whether Reportable:

No