

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 413 of 1995 (O&M)

Date of Decision: 7.9.2016

S.S.Luthra

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present: Mr.Prateek Gupta, Advocate for the petitioner

Ms.Shruti Jain Goyal, AAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner's own case is that he was promoted as Sub Divisional Engineer from Junior Engineer (Civil) vide order dated 28th August, 1980 (Annex.P-1) and joined as such on 14th October, 1980. Although the promotion of the petitioner was on *ad hoc* basis, but he continued till he was promoted against the post meant for promotees vide order dated 20th July, 1982 w.e.f. 12th August, 1981 (Annex.P-2). This means that the petitioner was promoted on *ad hoc* basis against the quota meant for direct recruits. In such circumstances, officiating service as Sub Divisional Engineer prior to regularization within quota will not count towards Selection Grade as Selection Grade requires regular service of the length prescribed under rules before the monetary benefit can accrue. The impugned letter dated 13th January, 1994 (Annex.P-4) is perfectly in order when it denies the Selection Grade of ₹ 4100-5300 to the petitioner. It is also in tune with the clarificatory instructions dated 16th May, 1990 (Annex.P-6). The benefit of Selection Grade demands 12 years of regular service to 20% of the cadre posts, towards which the period of *ad hoc* promotion cannot be counted. Ms.Shruti Jain, learned law officer rightly points out that Selection

Grade is not a condition of service and is a concession based benefit which can be governed only by the terms and conditions of the instructions. In support of this proposition of law, the learned counsel relies on Prem Garg vs. State of Punjab, 2005 (3) SCT 622.

2. In view of the foregoing discussion, there appears to be no merit in this writ petition which is accordingly ordered to stand dismissed. No costs.

7.9.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No