

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

**CWP No.27146 of 2013 (O&M)
Date of decision : August 02, 2016**

Gurinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Nirmal Singh, Advocate for the petitioner.
 Mr. R.S. Pathania, DAG, Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner was appointed as J.B.T. Teacher on adhoc basis against the leave vacancy on 13.03.1975 and joined as such at Government Primary School, Sakho Majra, District Ropar. She continued to serve as J.B.T. Teacher on adhoc basis against leave vacancy up to 23.08.1984. Thereafter, she was appointed against the vacant post of J.B.T. Teacher and she served as such from 24.08.1984 to 31.08.2008. However, her services were regularized w.e.f. 16.02.1990. She retired as J.B.T. Teacher on 31.08.2008 from the Government Elementary School, Morinda, Block Morinda, District Ropar, on attaining the age of superannuation.

The short prayer of the petitioner is that her services rendered as adhoc J.B.T. Teacher against a leave vacancy post from 13.03.1975 to 23.08.1984 should be counted as qualifying service for the purpose of retiral benefits.

The State in its reply has not made it clear that whether leave vacancy against which the petitioner was appointed, was on temporary basis or on permanent basis. It is admitted that she worked on adhoc basis against

leave vacancy, which was followed by an appointment of vacant post and later on, her services were regularized.

The State has relied upon the instructions dated 26.10.1995 (Annexure R-1) issued by the Government of Punjab, Department of Finance (Finance Personnel Branch-III).

The said instructions are examined. The petitioner worked on adhoc basis, which was followed by the regular employment. There is no interruption in the two or more spells of adhoc service and the petitioner worked on a full time job. The appointment was made after following the procedure. It is not claimed by the State that leave vacancy against which she worked regularly was not a regular post.

It being so, the petitioner fulfills all the criteria laid down in the Government Instructions dated 26.10.1995 (Annexure R-1). Otherwise also, it was an adhoc appointment followed by a regular appointment. Therefore, the service w.e.f. 13.03.1975 to 23.08.1984 rendered by the petitioner on adhoc basis against leave vacancy is to be counted as qualifying service for the purpose of retiral benefits.

Accordingly, the present petition is allowed.

The respondents are directed to count the service of the petitioner accordingly and grant the revised pensionary benefits and other consequential benefits within a period of three months with interest @ 9% per annum from the date of the receipt of the copy of this order.

(KULDIP SINGH)
JUDGE

August 02, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

Yes