

The respondents No. 1 to 3, in the reply, have taken the stand that the petitioner had rendered adhoc service from 31.5.1976 to 7.10.1976 and 2.9.1977 to 10.1.1978. As per the instructions dated 26.10.1995

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(Annexure-R-1/1), the Department of Finance, Punjab, the adhoc service rendered by an employee may be counted towards pensionary benefits, subject to the fulfillment of certain conditions, which includes uninterrupted spell of adhoc service and that adhoc service or interruptions fall within the condonable limits and that the employee should have worked against the regular post/vacancy. It was stated that the other service was against leave arrangement and was not counted for the purpose of retiral benefits.

I have heard the learned counsel for the petitioner, the learned State counsel and have also carefully gone through the file.

The perusal of copy of letter dated 7.8.2014 (Annexure-R-1/2T) shows that from 19.11.1973 to 17.1974, then from 22.1.1974 to 30.3.1974 and thereafter from 6.11.1975 to 15.2.1976, the petitioner rendered service on leave vacancy and, therefore, the benefit of the same was not granted for counting it towards qualifying service for the grant of pension. The other service rendered from from 31.5.1976 to 7.10.1976 and thereafter from 2.9.1977 to 10.1.1978 was on adhoc basis. In the judgment passed by this Court in Harjit Kaur's case (supra), the said instructions, referred to above, were not considered. However, it comes out that as per the stand of the State, the service against the leave vacancy was not adhoc service and was a temporary arrangement. It also comes out that from 30.3.1974, there was a gap of about more than 1 year and 8 months, when she was again appointed against leave arrangement on 6.11.1975. It was purely a stop gap arrangement and was not an adhoc appointment. Therefore, in view of the instructions of the Government, the respondents decided not to consider the said service of the petitioner as qualifying service. The service rendered from 31.5.1976 to 7.10.1976 and 2.9.1977 to 10.1.1978 has already been

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considered as qualifying services, which was adhoc service. Moreover, in this case, the petitioner retired from service on 30.4.2008 and approached this Court in the year 2014 i.e. after about six years. Therefore, on the ground of laches also, the present writ petition is not maintainable.

In view of the above discussion, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

29.7.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : Yes