

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

LPA No. 10 of 2016 (O&M)

DATE OF DECISION : 11.01.2016

R.K. Malik and others

.... APPELLANTS

Versus

Bhakra Beas Management Board, Chandigarh and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Vivek Sharma, Advocate,
for the appellants.

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SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 18.09.2015 passed by the learned Single Judge, dismissing the writ petition (CWP No. 20072 of 2014) filed by the appellants challenging the reply dated 06.06.2014 (Annexure P-6) informing them that their claim for counting the ad-hoc service rendered by them in the Irrigation Department, State of Haryana, for the purpose of granting ACP Scale was rejected.

Though there is delay of 9 days in re-filing and 10 days in filing the appeal, and the appellants have filed applications (CM Nos. 19-LPA and 20-LPA of 2016) for condoning the said delay, yet we have heard learned counsel for the appellants on merits and have gone through the impugned

order, passed by the learned Single Judge.

When the appellants were working in Bhakra Beas Management Board (hereinafter referred to as 'BBMB') where they were deputed as per the provisions of the Punjab Reorganisation Act, 1966, their services were regularised on 24.09.1993 by the Irrigation Department with effect from 31.12.1990. In BBMB, there are two categories of employees, one who are posted by different partner States/State Electricity Boards; and the second its own recruited staff. The appellants fall under the first category of employees. They were given option for exercising State Scale or BBMB Scale. Since BBMB Scale was higher than the State's Scale, the appellants opted for BBMB Scale. On 26.06.1992, revision of pay scales of BBMB employees of Irrigation wing was notified. Vide legal notice dated 30.03.2014 (Annexure P-5), the appellants requested BBMB to invoke Para 8 (ii) of the said circular dated 26.06.1992 and prayed for grant of proficiency step-up and time bound promotional/devised promotional scale after 9/16 years service in the respective posts while counting the ad-hoc service rendered by them in the Irrigation Department, Haryana. The BBMB, vide reply dated 06.06.2014 (Annexure P-6) informed the appellants regarding rejection of their said claim on the ground that the ad-hoc service rendered by them in the Irrigation Department, Haryana, cannot be counted for the purpose of extending ACP scales and time bound promotional scales or additional increments. The appellants challenged the said decision of the BBMB by filing CWP No. 20072 of 2014, which has

been dismissed by the learned Single Judge vide the impugned order.

Learned counsel for the appellants argued that the learned Single Judge has committed grave illegality while holding that the ad-hoc service rendered by the appellants in Irrigation Department, Haryana, is not to be counted for the purpose of extending ACP scales and time bound promotional scales or additional increments, by invoking Para 8 (ii) of the circular dated 26.06.1992. According to the learned counsel, in this regard, no distinction can be made between the ad-hoc service rendered by the BBMB employees and the ad-hoc service rendered by the appellants in the Irrigation Department, Haryana.

We do not find any force in the aforesaid contention, as the learned Single Judge has rightly noticed that since all the appellants were recruited on ad-hoc basis in the Irrigation Department, Haryana, Para 8 (ii) of the said circular cannot be extended to other than BBMB ad-hoc employees; and there is no statutory regulation/Government order/circular to count the ad-hoc service rendered in the Irrigation Department, Haryana, for the purpose of granting proficiency step-up and time bound promotional/devised promotional scale after 9/16 years service in the respective posts. This issue has been settled by the Hon'ble Supreme Court in Civil Appeal No. 5411 of 2009 titled **State of Haryana and others Vs. Sita Ram and others** decided on 29.10.2013, wherein it was held that ad-hoc service cannot be counted for the purpose of extending ACP scales and time bound promotional scales or additional increments.

Learned counsel for the appellants further argued that the learned Single Judge has ignored the fact that a Division Bench of this Court in CWP No. 1607 of 1998 (V.J.S. Khurana Versus The Bhakhra Beas Management Board), decided on 20.03.2012 had directed the BBMB to count the ad-hoc service of the petitioner therein, who was an employee of the State of Haryana, for granting proficiency step-up and for time bound promotional scale. Learned counsel argued that when the similar relief was granted to an employee of the State of Haryana in the aforesaid connected matter, same benefit should be extended to the appellants. This contention, in our opinion, also cannot be accepted, because the Hon'ble Apex Court in **Sita Ram's case** (supra) has clearly laid down that the ad-hoc service cannot be counted for the purpose of extending ACP scales and time bound promotional scales or additional increments.

In the impugned order, the learned Single Judge has dealt with all the contentions, raised on behalf of the appellants, in detail. Thus, we are of the opinion that the impugned order and the reasons recorded therein do not require any interference.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

January 11, 2016
ndj

(HARINDER SINGH SIDHU)
JUDGE