

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 19.04.2017****RSA No.1176 of 1995 (O&M)**

The State of Punjab

...Appellant

Vs.

Karnail Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anil Sharma, Addl. AG, Punjab.

None for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

The State has raised an issue in this appeal which is no longer res integra. The issue has been settled by the Supreme Court in a judgment reported as State of Punjab Vs. Gurdeep Kumar Uppal, AIR 2001 SC 2691; (2003) 11 SCC 732 while observing that ad hoc/temporary service of a Government employee cannot be counted for the purpose of grant of proficiency step up.

The Punjab Government's letter dated 01.09.1989 prescribes that period of eight or eighteen years of service, as the case may be, is to be reckoned from the date of appointment on regular basis. Neither can this period be counted towards seniority and as per Rule 12 of the Punjab Labour Department (State Service Class-IV) Rules, 1969 which provides that the seniority inter se of the members of the service in each cadre shall be determined by length of continuous service on a post in that cadre. A person

becomes a member of service in a cadre only when he/she is appointed on regular basis.

Accordingly, the instant appeal is allowed while setting aside the judgment and decree rendered by the Courts below. However, since there was no stay of the appellate decree, then in case the monetary benefits have been paid to the plaintiff/respondent, then they will not be recovered, as was a direction in *Gurdeep Kumar Uppal's* case.

19.04.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>