

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

CWP No. 7772 of 2015 (O&M)
Date of decision: January 13, 2017

Bimla Singla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ashok Sharma Nabhewala, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J.

1. The instant writ petition under Articles 226/227 of the Constitution has been filed seeking quashing of the order dated 12.8.2013 by which the claim of the petitioner for counting of adhoc service towards seniority and promotion was declined.

2. In brief the facts are that the petitioner was appointed as a Lecturer in Economics on adhoc basis after her name was sponsored by the Directorate of Punjab, Chandigarh, with Shaheed Udham Singh Government College. She was called for interview by the duly constituted Departmental Selection Committees for filling up the vacant posts of Lecturers in the State. She was appointed on adhoc basis against a permanent post, where she continued to serve on adhoc basis till when she came to be regularly

appointed on 5th October, 1995. Subsequently, her services were also confirmed along with other by order issued on 14th August, 1997. The petitioner thereafter continued in service but sought the grant of benefit of adhoc service rendered prior to her regularization for the purpose of counting her seniority by issuing a legal notice dated 30th January, 2012. The petitioner retired from service on 29th February, 2012 and thereafter filed CWP No. 7919 of 2013 claiming grant of benefit of adhoc service rendered prior to her regularization. This petition came to be disposed of on 11th April, 2013 with a direction that the matter be considered by the department concerned. The matter was considered and rejected while passing speaking order dated 12th August, 2013, which is impugned in the instant writ petition.

3. Mr. Ashok Sharma Nabhwala, appearing on behalf of the petitioner argues that the petitioner herein is entitled to the relief sought and is entitled to get the benefit of her adhoc service which should be accounted towards her seniority. It is argued that the petitioner herein, who has retired from service, would be entitled to the grant of consequential benefit of adhoc service rendered prior to regularization for the purpose of computing her pension. In this regard reliance has been placed on a judgment rendered by this Court in **CWP No. 18673 of 2012 titled Kewal Singh Versus State of Punjab and others decided on 3.11.2014**, wherein it has been held that a person who gains employment in terms of accepted modes of public appointment cannot be deprived of the benefit of service rendered by him on

4. Per contra, learned counsel appearing on behalf of the respondents argues that the petitioner has since retired and that the seniority of the petitioner has been correctly fixed. It is argued that the petitioner herein had been appointed as adhoc lecturer during the period 1979-87. It was further argued that, as per the government letter No. 13/29/89-1 Edul/21970 dated 5.10.1995 services of the lecturers working on adhoc basis were to be regularized. It was mentioned therein that the seniority of these lecturers will be determined in accordance with the provisions of Punjab Civil Services (College Cadre) (Class II) Rules 1976 after successfully completing the probation period, while making it clear that upon regularization, these adhoc lecturers will be kept at the tail in the seniority list and they will not be entitled to claim seniority over and above the Lecturers recommended by the Punjab Public Service Commission. It was on the basis of this letter the services rendered on adhoc basis is not to be counted for seniority purpose.

5. I have heard learned counsel for the parties and with their assistance have gone through the record.

6. Admittedly, the petitioner herein was appointed through Employment Exchange and after interview held by the Departmental Selection Committee came to be appointed as Lecturer in Economics on 17.8.1979. It is also not in dispute that having worked as adhoc Lecturer her services came to be regularized on 5.10.1995. The petitioner having retired is now seeking the benefit of counting her services rendered prior to regularization for the purpose of seniority and other consequential benefits.

7. The sole question involved is, whether the petitioner is entitled to such benefits. In **CWP No. 18673 of 2012 titled Kewal Singh Versus State of Punjab and others decided on 3.11.2014** and a catena of other judgments, similar issue was dealt with. The learned Single Bench in the above said judgment held that a person who gains employment in terms of accepted modes of public appointment cannot be deprived of the benefits of service rendered by him on adhoc basis for the purposes of seniority and other related service benefits. While disposing of the writ petition, it was directed that the period of adhoc service would be counted for the purpose of reckoning seniority and other related benefits etc.

8. The petitioner herein admittedly was appointed after following due process of selection and against a permanent post, which fact has not been disputed by the respondent-State. The name of the petitioner was sponsored through the employment exchange and subsequently regularized when these posts were taken out of the purview of the Punjab Public Service Commission. Thus, the initial appointment of the petitioner was in accordance with law and was not fortuitus in nature. Therefore, as held in **Kewal Singh's case** (supra), the petitioner herein would be entitled to the relief of counting of benefit of service rendered by her on adhoc basis for the purpose of seniority and promotion etc., referred to above.

9. For the reasons stated above, the writ petition is allowed and the petitioner is held entitled to the benefit of period of service rendered w.e.f. the date of her first appointment in the year 1979 which was followed

by the regularization in the year 1995. Let the necessary exercise be completed within a period of three months from the date of receipt of a copy of this order.

January 13, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No