

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

1) LPA No.297 of 2017

Swaran Singh

....Appellant

Versus

Government Medical College, Patiala
and others

....Respondents

2) LPA No.196 of 2017

Ram Saran

....Appellant

Versus

Government Medical College, Patiala
and others

....Respondents

Date of Decision : 19.07.2017

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present: Mr. Vikas Singh, Advocate
for the appellant in both the appeals.

....

MAHESH GROVER, J. (Oral)

By this order we would dispose of both the appeals which are directed against the judgment of the learned Single Judge of the same date i.e. 17.11.2016.

Appellants Swaran Singh and Ram Saran (hereinafter known as 'the workmen') were engaged as work-charged Mate w.e.f. 01.03.1985 and 01.02.1987, respectively. Swaran Singh was subsequently accommodated as Chowkidar w.e.f 17.04.1998 and Ram Saran as Ward Attendant w.e.f 23.04.1998 in the respondent-College.

They pleaded that they are entitled to increments after completing 8

years and 16 years of service by counting the erstwhile period of service. The Labour Court answered the award in their favour resulting in two different writ petitions preferred by the College which were accepted and the claim of the workmen negated which is now a cause of grievance to the workmen.

Learned counsel for the appellants refers to a judgment of the Apex Court in **Appeal Nos.5740-41 of 1997, State of Haryana v. Ravinder Kumar and others**, the relevant portion of which is extracted herebelow :

“These batch of cases were de-linked while hearing another batch of appeals from the same State, which were disposed of by us by judgment dated 19th September, 2000. It is conceded by the learned counsel appearing for the State that in these cases we are concerned with employees who had been engaged initially on work charged basis and later on they were regularised and brought into the cadre of the service. It is also not disputed by the learned counsel appearing for the State that this period, which the employees have rendered on work charged basis, count for the purpose of increments in the cadre as well as the qualifying service for the pension. We, therefore, see no justification in not counting their period for the purpose of giving additional increment on completion of 8 and 18 years of service as well as 10 and 20 years of service for getting higher scale as per the

Government circular, which obviously are intended to avoid stagnation in a particular grade”.

We are afraid the aforesaid does not lay down any ratio decidendi as it is based on the statement made by the learned counsel for the State therein. The settled principle of law, however, is against the appellants as the work-charged service rendered by a workman also can be considered for pensionary benefits but certainly not for any other benefit such as seniority, promotion and ACP scale which are in any case contingent upon a scheme. Since the claim is only for ACP benefits, the same was rightly declined.

There is thus no ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

19.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No