

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3563 of 2016 (O&M)

Date of Decision: 09.03.2017

Jang Singh Bala

... Appellant

Versus

Principal Secretary to Chief Minister,
Punjab, Main Secretariat, Punjab,
Chandigarh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Malkeet Singh, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J.

CM No.9327-C of 2016

For the reasons stated in the application, the delay of 29 days in re-filing the appeal is condoned.

CM No.9328-C of 2016

For the reasons stated in the application, the delay of 20 days in filing the appeal is condoned.

Main Case

Nevertheless, the main appeal is dismissed by accepting the concurrent findings of fact recorded by both the Courts below on the legal issue involving the service dispute is concerned. Ad hoc service spent for a

period of three years in a department under the Government of Haryana cannot be clubbed/added to regular service rendered in the Punjab Government for purposes of recalculating pension, paying increments, seniority, Higher Standard pay scales and benefits of ACP Scheme etc. since ad hoc service in Haryana is not followed by an order of regularization passed by the Government of Haryana before the plaintiff-appellant joined service in Punjab. It is also not known by way of evidence as to whether the plaintiff had resigned from Haryana before he took up an assignment in Punjab Government and I therefore on the material available on file, find no reasonable or valid ground duly supported by statutory rule and regulation to interfere in this appeal which is dismissed on merits without going into the question of territorial jurisdiction in the trial Court at Kharar or as to the maintainability of the suit within that jurisdiction on mere residence there since the legal issue involving clubbing services in two States transcends territorial and pecuniary jurisdiction of any Court, but within the jurisdiction of this Court. Having said so, I not only exercise authority under Section 100 of the CPC and Section 41 of the Punjab Courts Act, 1918 but the jurisdiction vested under Article 226 of the Constitution of India while dismissing this second appeal in a pure service law dispute. I have exercised such power since court fee in appeal off sets court fee payable on a writ petition. If there are any relief/s exclusively claimed by the plaintiff from the Punjab Government then the petitioner is at liberty to claim them in independent proceedings and if any Forum is approached for relief/s exclusively in the domain of Punjab Government and grantable by it, then it will be open to the appellant to persuade that Court to give the appellant the

benefit of Section 14 of the Limitation Act, 1963.

(RAJIV NARAIN RAINA)
JUDGE

09.03.2017

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Whether speaking/reasoned *Yes*

Whether reportable *No*