

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.10820 of 2004

Subhash Chand and others ... Petitioners

Versus

State of Haryana and others ... Respondents

2. CWP No.10821 of 2004

Vijay Singh and others ... Petitioners

Versus

State of Haryana and others ... Respondents

3. CWP No.8328 of 2005

Parkash Chand and others ... Petitioners

Versus

State of Haryana and another ... Respondents

Date of Decision: 31.10.2018

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

Present: Ms. Gitanjali Chhabra, Advocate,
for the petitioners
in CWP Nos.10820 and 10821 of 2004.

Mr. Tara Chand Dhanwal, Advocate,
for the petitioners in CWP No.8328 of 2005.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of CWP No.10820 of 2004, *Subhash Chand and others v. State of Haryana and others*, CWP No.10821 of 2004, *Vijay Singh and others v. State of Haryana and others* & CWP No.8328 of 2005, *Parkash Chand and others v. State of Haryana and another* as

common questions of law and fact are involved.

2. The prayer in these petitions is for counting of ad hoc service prior to regularization for purposes of grant of additional increments.

3. Benefits of additional increments were granted to the petitioners due to the fall out of the judgment of the Full Bench of this Court in Rakesh Kumar Singla v. State of Haryana, (1995) 111 PLR 411 (FB) and were withdrawn following the judgment of the Supreme Court in State of Haryana v. Haryana Veterinary and AHTS Association, 2000 (4) SCT 664 overruling the Full Bench decision and, therefore, the benefit of ad hoc service prior to regularization is not available when appointments were not made in accordance with rules since under the scheme in Government instructions dated August 7, 1992 it was decided to grant additional increment on completion of 8/18 years of regular satisfactory service instead of 10/20 years of service. Ad hoc service will not count towards regular satisfactory service on which the entitlement depends. It is for this reason that the benefit of additional increments were withdrawn by the department following the Finance Department, Haryana Instructions dated March 15, 2002 where the entire legal position has been taken into consideration including the judgments in *Rakesh Kumar Singla* and *Haryana Veterinary and AHTS Association* case.

4. Accordingly, I find no merit in these petitions and would dismiss them.

5. It may be noticed that recoveries have not been effected by the department of the excess payments made under mistake of law and to that extent, the petitioners have no cause of concern and stand protected and

shall continue to retain for themselves the monetary gain.

31.10.2018

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *No*