

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision:4.9.2018

1. CWP No.2226 of 2006 (O&M)

Ram Saran Kalsi and others ... Petitioners

Versus

State of Haryana ... Respondents

2. CWP No.857 of 2003 (O&M)

Balwan Singh and others ... Petitioners

Versus

State of Haryana ... Respondents

3. CWP No.1860 of 2006 (O&M)

Harish Kumar Gupta ... Petitioners

Versus

State of Haryana ... Respondents

4. CWP No.13546 of 2006 (O&M)

Gian Chand and others ... Petitioners

Versus

State of Haryana ... Respondents

5. CWP No.20652 of 2006 (O&M)

Kishan Singh and others ... Petitioners

Versus

State of Haryana ... Respondents

6. CWP No.14703 of 2005 (O&M)

Versus

State of Haryana etc.

... Respondents

7.

CWP No.2677 of 2005 (O&M)

Bhagirath Lal

... Petitioner

Versus

State of Haryana etc.

... Respondents

8.

CWP No.13123 of 2004 (O&M)

Suresh Kumar and others

... Petitioners

Versus

State of Haryana

... Respondents

9.

CWP No.16782 of 2003 (O&M)

Surinder Kumar and others

... Petitioners

Versus

State of Haryana & Ors.

... Respondents

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

Present: Mr.Sandeep Kumar, Advocate for
Mr.D.S.Rawat, Advocate for the petitioners in
CWP Nos.2226-2006, 13123-2004,
2226-2006,13546-2006, 1860-2003, 857-2003

Ms.Shruti Jain Goyal, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of CWP Nos.2226 of 2006, 857 of 2003,
1860 of 2006, 13546 of 2006, 20652 of 2006, 14703 of 2005, 2677 of 2005,
13123 of 2004 and 16782 of 2003 as common questions of law and facts are

These matters are squarely covered by the decision of the Supreme Court in State of Haryana vs. Haryana Veterinary and AHTS Association, 2000 AIR (SC) 3020 and several other decisions of this Court on the same line that ad hoc service prior to regularization would not be counted towards grant of higher pay scales and ACP benefits. Government of Haryana had issued instructions dated 15th March, 2002 following the decision of the Supreme Court in Haryana Veterinary and AHTS Association, supra. More recently, the position has been articulated by a Division Bench of this Court in LPA No.589 of 2015 and connected appeals decided on 27th October, 2016 wherein the Division Bench relied on a previous decision rendered in Harpal Singh vs. State of Haryana and others, (LPA No.1743 of 2016) where the issue has been elaborately considered and it has been held that in some exceptional situations only the benefit of ad hoc service towards seniority can be admissible and for other incidental service benefits like pension etc. Another Division Bench of this Court in State of Punjab and others vs. Surjit Kaur, 2011 (3) RSJ 699 considered the issue and by relying on the ratio of law laid down in the Haryana Veterinary and AHTS Association, supra held that ad hoc service is not to be counted for the purpose of ACP and it is to be counted for the purpose of pensionary benefits alone. The rulings can be multiplied to include the judgment of a Division Bench of this Court Badal Singh and others vs. State of Haryana and others, 2007 (2) RSJ 83. In this case, the teachers were regularized with effect from the specified dates. The Division Bench held that ad hoc service cannot be counted towards the benefit of 8/18 years service to release additional increments and only that part of service which could be counted for seniority. Learned counsel for the State further relies

Vijay Singh and others, 2012 AIR (SC) 2901. The case was considered in the light of the Haryana State Education School Cadre (Group C) Service Rules, 1998. In this case, the respondents were appointed Masters on ad hoc basis by an authority not competent to make regular appointment and without following the procedure prescribed under the rules and therefore, the respondents were held not entitled to have their seniority fixed by counting ad hoc service. Still further, reliance is placed on a judgment of this Court in Mahender Singh and others vs. State of Haryana and others, (CWP No.18518 of 2015 decided on 24th August, 2018) wherein it has been held that ACP benefits do not appear to fall in favour of the petitioners since the Assured Career Progression Rules require regular satisfactory service to count towards grant of ACP pay scales. Previous ad hoc service spent before regularization cannot be construed as regular service. Consequently, challenge to the instructions dated 15th March, 2002 (Annex. P-5) based on the ratio of law laid down by the Supreme Court in Haryana Veterinary and AHTS Association, supra is repelled.

In view of the above, I find no merit in these writ petitions which are accordingly dismissed.

4.9.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No