

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

CWP-12733-2016

Date of decision: 08.10.2018

Babu Ram

...Petitioner

V/s.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. G.P. Singh, Advocate for respondent No. 4.

Mr. Ravi Pratap, AAG, Haryana.

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**RITU BAHRI, J. (Oral).**

The short question for consideration in the present petition whether the respondent No. 4 whose services have been regularized vide order dated 29.08.2014 (Annexure P-11) can take the benefit of seniority keeping in view that her services have been regularized w.e.f. 31.01.1996 and the order dated 29.08.2014 (Annexure P-11) is very clear that the *inter se* seniority of adhoc Class-B employees shall be determined in accordance with the date of their joining the post on adhoc basis.

The case set up by the petitioner is that as per the gradation list (Annexure P-3) the petitioner's name follows at Serial No. 5 in the category of Lecturers in Library Science and in this gradation list, the name of respondent No. 4 is not mentioned and this list is prepared on 01.04.2008 and this gradation list should be made basis for considering the case for the promotion to the post of Senior Lecturer in Library Science & Information Science.

After hearing learned counsel fore the parties, the facts not in dispute are that the order dated 29.08.2014 (Annexure P-11) has not been challenged till date. The only question is whether pursuant to the order dated 29.08.2014 (Annexure P-11), respondent No. 4 can get the benefit of seniority over and above the petitioner for considering her case for further promotion to the post of Senior Lecturer in Library & Information Science, A reference can be made to the judgement passed by this Court in ***State of Haryana and others V/s. Surindra Kumar Mishra and others*** 2013(1) S.C.T. 563, whereby it has been held that the benefit of adhoc service can be given for seniority if the initial entry into service is by due process of law or by duly constituted selection committee. This fact is not disputed by either of the parties and further even the respondents while passing order dated 29.08.2014 (Annexure P-11) have clarified as under:-

***“The seniority of the adhoc Class-B employees so regularized with effect from the 31.01.1996 vis-a-vis the Class-B employees appointed on the same date on regular basis shall be determined with the effect from 31.01.1996. The inter-se seniority of such adhoc Class-B employees shall be determined in accordance with the date of their joining the post on adhoc basis. If the date of joining the post(s) on adhoc basis by such adhoc employee was the same, then an order employee shall rank senior to an employee younger in age. If the date of appointment of the direct recruit and the date of regularization of adhoc employee is the same, the direct recruit shall be senior.”***

The respondent No. 4 has been working as a Lecturer in the Library & Information Science since 1996 and has been given benefit of regularization w.e.f. 31.01.1996 which shows that she was serving this institute from 1996 onwards and only the regularization order has been

passed on 29.08.2014 (Annexure P-11). Hence, keeping in view the judgement passed by this Court in *State of Haryana and others V/s. Surindra Kumar Mishra and others* and the order dated 29.08.2014 (Annexure P-11), no ground is made out to consider the petitioner over and above respondent No. 4 for promotion to the post of Senior Lecturer in Library & Information Science.

Dismissed.

08.10.2018  
Divyanshi

(RITU BAHRI)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |