

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

RSA No. 4321 of 2015(O&M)

Date of Decision:12.02.2018

V.B. Kumar

.....PETITIONER

V/S

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr.Jagbir Malik, Advocate for
for the appellant.

None for the respondents.

P.B.BAJANTHRI J. (ORAL)

Present appeal is relating to whether appellant is entitled to count his ad-hoc service for the purpose of extending service benefits like seniority, promotion and other benefits like time scale after completion of five years and selection grade after 12 years. The object of extending time scale and selection grade, is that an employee who has been stagnated in a particular cadre without there being a promotion. For the purpose of benefit of time scale and selection grade, one must fulfill requisite qualification for promotional post. In other words, regular service is required to be taken into consideration for the purpose of counting 05 years or 12 years. In the absence of any statutory order, statutory regulation and executive order by which right has been created to an employee to the extent that ad-hoc service could be counted for the purpose of time scale and selection grade, employee do not have statutory right.

Employee cannot seek a direction to count the ad-hoc service towards extending benefit of time scale and selection grade unless he had statutory right flowing from any provision of law. Appellant has not made out a case.

Accordingly, appeal stands rejected.

At this stage, learned counsel for the appellant relied on a decision of Hon'ble Apex Court in the case of State of Haryana VS. Dr. Arvind Kumar Rana, reported in 2000(1) S.C.T. 5. The Supreme Court in the case of Nair Service Society versus Dr. T. Beermasthan and others reported in (2009)5 SCC 545 in para 48 held as under:-

“48. Several decisions have been cited before us by the respondents, but it is well established that judgments in service jurisprudence should be understood with reference to the particular service rules in the State governing that field. Reservation provisions are enabling provisions, and different State Governments can have different methods of reservation. There is no challenge to the Rules, and what is challenged is in the matter of application alone. In our opinion the communal rotation has to be applied taking 20 vacancies as a block.”

Before applying or following any decision of a Court one must examine relevant rules or regulation. Therefore, the cited decision by the appellant is distinguishable. Accordingly, appeal stands dismissed.

**(P.B.BAJANTHRI)
JUDGE**

12.02.2018
Anjal

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