

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4314-2019
Date of decision:20.02.2019

Anil Kumar Gupta

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. S.K. Malik, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

By this petition, petitioner is seeking writ of mandamus directing the respondents to count the ad-hoc period of the petitioner followed by regularization towards seniority, increments, ACP's including pension etc.

Learned counsel for the petitioner has referred to judgment of this Court in the case of ***Hanumant Singh and others V/s. State of Haryana and others 2008(4) S.C.T. 427*** in which Division Bench had examined the provisions of the Haryana Government Employees (Assured Career Progression) Rules, 1998 on the question whether adhoc service could be taken into account for grant of ACP scale/grant of additional increments/benefit of higher standard pay scale after completion of 8/18 years of service. In para 22 of this judgment, the questions answered in favour of the petitioners are as under:-

***“(a) ah hoc/work charged service followed by regular service shall not be counted for the purposes of grant of higher pay scale/benefit of Assured Career Progression Scheme on completion of 8/18 or 10/20 years of service.*”**

(b) Ad hoc/work charged service followed by regular service shall be counted for the purposes of grant of additional increment in the running scale on completion of 10/20 or 8/18 years of service.

(c) Ad hoc service followed by regular service shall be counted for the purposes of pension and seniority.”

The SLP filed against this judgment has been dismissed by the Supreme Court on 10.05.2018.

In the present case, the petitioner is seeking writ of mandamus directing respondents to count the ad-hoc period followed by regularization towards seniority, increments, ACP's including pension etc. keeping in view the judgment passed in the case of ***Hanumant Singh (supra)***.

A legal notice dated 16.12.2018 (Annexure P-5) has also been sent to the respondents in this regard.

This petition is being disposed of by giving direction to the respondents to look into the legal notice dated 16.12.2018 (Annexure P-5) and pass speaking order within a period of four months from the date of receipt of certified copy of this order keeping in view the above said judgment.

20.02.2019

Divyanshi

**(RITU BAHRI)
JUDGE**

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No