

Sr. No.320

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

CWP-10809-1996

Date of decision: 19.04.2022

Anil Kumar Arora

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to grant selection scale of Rs.3000-4500 on completion of 5 years service by including *ad hoc*/temporary service followed by regular service.

Petition was admitted on 25.07.1996.

When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

During pendency of the writ petition, petitioner is stated to have died on 20.10.2001 as per death certificate appended with the return filed to the writ petition. No attempts till date have been made to implead the legal representatives of petitioner. In view thereof, even otherwise it seems to have abated. That apart, it is stated in para 2 of the preliminary objection of the written statement that LRs of deceased petitioner have been given all the death-cum-retiral benefits of petitioner.

In the premise, it is borne out that the LR's having been accepted the benefits and yet have chosen not to pursue the present writ petition.

In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para 1 and 2 of the reply in preliminary objections, which is reproduced herein for ready reference:

"1. That the petitioner has filed the present writ petition with the prayer for grant of selection scale of Rs.3000-4500 on completion of five years service by including adhoc/temporary service followed by regular service as per law laid down by Full Bench of this Hon'ble High Court reported as 1995 (4) RSJ, 586. In this regard it is submitted that the aforesaid judgment has been set aside by the Hon'ble Apex Court in the case titled as State of Haryana vs. Haryana Veterinary and AHTS Association and another, cited in 200 (2) SCT 664. It is well settled law that the adhoc service – Work charge service cannot be counted for the purpose of selection grade as per law laid down in 2008 (4) RSJ Page 756, in the case titled as Hanumant Singh and others Versus State of Haryana (Annexure-R-1) and similarly as per law laid down in 2011 (3) RSJ Page 699, in case titled as State of Punjab Vs. Surjeet Kaur, (Annexure-R-2) as such the petitioner is not entitled to count the adhoc service/ temporary service for getting the selection grade. Latest judgment on this issue is State of Haryana V/s Sita Ram & Others decided in year 2013 (Annexure R-3).

2. That the petitioner had died on 20.10.2001. Death certificate (Annexure R-3) is enclosed herewith. The petition has become infructuous and abated as no L.Rs. have been brought on record before the Hon'ble Court. Even the L.Rs. of the deceased/ petitioner have been given all the death cum retiral benefits of the petitioner."

Be that as it may, writ petition is disposed of with liberty to file an appropriate application in case, any cause of action still survives.

19.04.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No