

**Sr. No.311**

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

**CWP-15801-1995**

**Date of decision: 19.04.2022**

Rishi Pal Arya and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Rahul Jain, Advocate,  
For Mr. J.S. Bedi, Advocate  
For the petitioners.

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

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**ARUN MONGA, J. (ORAL)**

Petition was filed in the year 1995, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to grant one/two Annual grade increments to the petitioners who have put in 8/18 years of the service. Further prayer has been made that work charge period rendered by the petitioners before regularization be treated as regular service for all purposes.

Petition was admitted on 15.04.1996.

Learned counsel appearing on behalf of the petitioners submits that he is not in contact with the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 26 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para 3 in preliminary objection which is reproduced herein for ready reference:

*“That the Govt. of Haryana keeping in view the stagnation involved in various cadres of Group-‘C’ and ‘D’*

*employees formulated a policy vide Haryana Govt. letter FD HR No.1/138/92-1 (FD) dated 07.08.92 (copy enclosed as Annexure R-1) for grant of additional increments to Group 'C' and 'D' employees on completion of 8/18 years regular satisfactory service in a particular group. Like wise in furtherance of this policy with a view to remove stagnation the Govt. decided to grant time bound Higher Standard Pay scale to Group 'C' and 'D' category of employees vide Haryana Govt. letter FD HR No. 1/34/93-4PR (FD) dated 08.02.94 (copy enclosed as Annexure R-2) in replacement of earlier scheme of additional increments after 8/18 years of service. For consideration of grant of the benefit of this policy those employees who have not got any promotion are promotional scale/higher time scale/selection grade in his service careers and has completed 10 years regular satisfactory service were eligible to be considered. Further, clarification on specific queries were issued by the Govt. vide its letter FD HR No.1/91/92-4PR (FD) dated 14.06.94 (copy enclosed as Annexure R-3), qua grant of additional increments to work charged employees. The govt. vide para no.12 of the instructions dated 14.06.94 clarified that it is a special scheme and this benefit is not admissible to work charge employees. Likewise clarification of the instructions dated 08.02.1994 were issued by the govt. vide FD HR No.10/108/94-4PR (FD) dated 29.12.95 (copy enclosed as Annexure R-4) clearly specifying in para 8 of the clarification that no benefit of work charge service is to be given for the purpose of grant of Higher standard pay scale. The benefit of these two schemes was admissible only after completion of "Regular Satisfactory Service" of required number of years under the two schemes. It is pertinent to mention here that the work charge employees are engaged against a particular work/project and on completion of which no budget is granted for the work/project and their services comes to an end. However, govt. as a welfare measure decided to regularize the services of the work charge employees time to time and their services were accordingly regularized. Services of all the petitioners stands regularized and thus they cannot claim benefit of any special scheme formulated for regular govt. employees as a matter of rights. Concessions have to be construed strictly as held in AIR 1967 SC 993. Even the Higher Standard Pay Scale is not admissible to regular govt. employees as a matter of right and one has to earn at least 70% good or above reports for the same. Even the Hon'ble Supreme Court has declined the benefit of adhoc service towards grant of Higher Pay Scales in R.K. Singla's case and the work charge service is pedestal subordinate to adhoc service. There are no statutory rules governing the work charge service and their services are governed under guidelines provided in PWD Code. Thus, the petitioners have no claim whatsoever for grant of any benefit under the two schemes which is not intended for them and as such their claim is liable to be dismissed."*

Be that as it may, writ petition is disposed of with liberty to the petitioners 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