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

CWP NO. 1475 OF 1999

DATE OF DECISION : 25.07.2022

Dr. Ashok Chaudhary and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B. S. Patwalia, Advocate,
For the petitioners.

Mr. R. D. Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of certiorari for quashing the orders contained at Annexures P-9 and P-10, whereby benefit of ad hoc service granted to them towards higher pay and thereafter re-fixation of their salary has been withdrawn.

2. I have heard learned counsels for the parties and have gone through the case file carefully.

3. Controversy herein is already *res judice*. Reference may be had to Apex Court judgment dated 19.09.2000 passed in Civil Appeal No.13423-1996 titled "State of Haryana v. Haryana Veterinary and AHTS Association" reported in 2000 AIR (Supreme Court) 3020, relevant whereof is reproduced herein below :

“6 xxx xxx xxx

In view of the aforesaid stipulations in the offer of appointment itself we really fail to understand as to how the aforesaid period of service rendered on ad hoc basis can be held to be service on regular basis. The conclusion of the High Court is contrary to the very terms and conditions stipulated in the offer of appointment and, therefore, same cannot be sustained. The regular letter of appointment dated 29.01.1982 in favour of Rakesh Kumar was also produced before us and that letter indicates that the respondent Rakesh Kumar along with others and had applied to the Secretary, Haryana Public Service Commission for being appointed as an Assistant Engineer and the Service Commission after selecting the number of persons prepared a list and appointment letters were issued by the Government from the said list on the basis of the merit position of different candidates. Thus the appointment of respondent Rakesh Kumar was a fresh appointment in accordance with the Statutory Rules after the Public Service Commission adjudged their suitability and the regular service of the respondent Rakesh Kumar must be counted from the date he joins the post pursuant to the offer of appointment dated 29.01.1982 and the prior service rendered by him on ad hoc basis cannot be held to be regular service nor can it be tagged on to the later service for earning the benefit under the Government circular dated 2nd June, 1989 as well as the Clarificatory Circular dated 16th May, 1990. The conclusion of the majority judgment of the High Court, therefore, is wholly erroneous and cannot be sustained.”

4. Similar view has been taken by this Court in CWP No. 18000 of 1997 titled “Dr. Amarnath Bajaj and others v. State of Haryana and another” dated 05.05.2022.

5. In view of the above, no ground for interference by this Court is made out.

6. Dismissed.

JULY 25, 2022

Shalini

(ARUN MONGA)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No