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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6483-2005 (O&M)

Date of Decision: 31.10.2023

Shadi Ram and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Nand Lal Sammi, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. This case has been pending awaiting result of the SLPs filed before the Supreme Court. It is noticed that vide judgment reported in **2003(11) SCC 732 in State of Punjab vs. Gurdeep Kumar Uppal**, the Supreme Court has laid down that period of ad hoc service rendered by the petitioner and similarly placed persons cannot be counted for the purpose of granting higher pay scale under the Proficiency Step Up.
2. The Supreme Court has relied on its earlier view relating to State of Haryana in the case of **State of Haryana vs. Haryana Veterinary and AHTS Association and another, 2000(4) SCT 664**, and held as under:

“6. We do not feel it necessary to delve further into merits of the case in view of the decision of this Court in State of Haryana v. Haryana Veterinary AHTS Association and another (supra). We are satisfied that the ratio in that case applies to the cases in hand. The resultant position that emerges is that the judgment/order passed by this High Court holding that ad hoc service is to be included in calculating the period of service for

giving the higher scale of pay are unsustainable and has to be vacated. Accordingly, the appeals are allowed and the Judgments/orders of the High Court under challenge are set aside.

7. However, we make it clear that if any of the respondents has drawn any amount on the basis of the higher scale of pay under the proficiency step-up scheme granted to him by including the period of his ad hoc service then the State Government shall not recover the amount already drawn by the employee though for fixation of the cadre seniority, the position as laid down in this order will govern. no costs.”

- 3. In view of above, if we examine the contents of the present writ petition, we find that the petitioner has prayed for counting the period spent as Work Charge followed by regularization for the purpose of granting of increments of Proficiency Step Up after 08/18 years of service.
- 4. Since the said period of ad hoc/work-charge cannot be counted in terms of the ratio laid down by the Supreme Court supra, the writ petition fails.
- 5. Accordingly, Writ Petition is dismissed.
- 6. All interim orders stand vacated.
- 7. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 31, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |