

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-18505-2020 (O&M)
Date of Decision:-04.07.2023

Jalour Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anish Babbar, Advocate for the petitioners.

Ms. Ishma Randhawa, Addl. AG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners who had been working as Junior Engineers/SDOs, some of whom had already retired have approached this Court seeking issuance of writ in the nature of Mandamus so as to remove anomaly in their pay as respondents No.6 and 7 who were allegedly junior to the petitioners were getting a pay higher than the petitioners.
2. This Court has heard the learned counsel for the petitioners and also the State counsel.
3. In the present case, while the petitioners were all diploma holders, the private respondents were degree holders. It is not in dispute that the rules provide for different periods of service as Junior Engineer for promotion to the post of SDO and that while degree holders JEs are entitled for promotion after they attain experience of 3 years, the Junior Engineer who are diploma holders are entitled to be considered for promotion after 10 years of service.

4. In the present case the private respondents had been promoted on *ad-hoc* basis as Sub Divisional Engineers in the year 1987 and were subsequently promoted against regular posts in the year 2010. The petitioners were promoted as Sub Divisional Engineers in the year 2010 on the same date. It is a settled position of law that *ad-hoc* service is not to count towards the seniority. However, as per instructions dated 11.5.1990 (Annexure R-2) the period of service rendered on *ad-hoc* basis is to count towards benefit of senior/selection grades, proficiency step-up increment provided against the promotion quota post. The instructions read as under:

“Counting of ad-hoc service i.e. after provisional promotion against a particular" post for purposes of experience for grant of selection/senior scale/proficiency step up.

It has been brought to the notice of Government that in the case of *adhoc* promotions i.e. provisional promotions pending approval by the Punjab Public Service Commission to the promotion quota posts which are initially done for a period of 6 months but continue for long period over years. In some of the departments promotion of such employees have not been regularised for a period over 10 years with the result that such period of *adhoc*/provisional promotion is not considered for extending the benefit of senior/selection grades where such grades are available after putting in specific length of service or proficiency step-up increment, whereas, these benefits are admissible to regular promotees. The matter has also been taken up separately with the Punjab Public Service Commission who are willing to finalize such cases expeditiously.

Alter careful consideration it has been decided that the period of service against promotion on *adhoc* basis i.e. after provisional promotion, should be taken into account for the

purpose of benefit of senior/selection grade/proficiency step up incremntns provided the promotion so ordered is against promotion quota post.
(P.G. No. 7/14,88-5PPI/8369, dated 11th May. 1990)”

5. It is the specific stand of the State that while seniority has not been granted on the basis of *ad-hoc* service, but the financial benefits had been protected. In these circumstances the private respondents having been promoted on *ad-hoc* basis more than a decade prior to the year 2010 when the petitioners as well as the private respondents were promoted on regular basis, the private respondents would obviously be drawing a higher pay than the petitioners. In these circumstances, it cannot be said that there is any anomaly in the fixation of pay of the petitioners.
6. The petition is found to be sans merit and is dismissed.

04.07.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No