

120

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22772-2023 (O&M)
Date of Decision: 09.10.2023

Sukhdev Kaur

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. H.S. Dhandi, Advocate, for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner by way of this writ petition prays to count the period from 01.06.1984 to 31.03.1986 and 14.09.1986 to 28.03.1989 for granting increments.
2. Learned counsel submits that during the said period, the petitioner worked against a leave vacancy and she has thereafter been regularized. It is stated that in view of the subsequent regularization and that she has worked against a vacant post, she should be granted increments for the period from 01.06.1984 to 31.03.1986 and then from 14.09.1986 to 28.03.1989.
3. The Punjab Civil Services Rules provides for creating of a lien once a person is substantively appointed against a permanent post. As per Rule 2.35, lien means the right or title of a Government employee to hold regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. A person who was

appointed against a leave vacancy, therefore, does not hold a lien on the post. The lien is of the concerned person who has gone on leave and vacancy is created in his absence and temporary person is appointed.

4. So far as increments are concerned, as per Rule 11(i) of the Revised Pay Scale Rules, 2009, a person has a right to receive increment for each year, once he is working on a substantive post.
5. Keeping in view that the petitioner was regularized from 01.04.1989, the petitioner would be entitled to draw a regular increment only from 01.04.1990, on completion of one year of service and so on and so forth.
6. So far as earlier period of service rendered against a leave vacancy is concerned, the same can only be counted for the purpose of qualifying service as held by the Supreme Court recently in the case of ***Malook Singh and others vs. State of Punjab and others, Civil Appeal No. 6026-6028 of 2021***
7. In view thereto, the writ petition is devoid of merits and is accordingly ***dismissed.***
8. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 09, 2023

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No