



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

312

CWP-1727-2001 (O&M)  
Date of decision: 24.05.2024

Sukhdev Singh and Others

....Petitioners

Versus

State of Punjab and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. R.K. Arora, Advocate for the petitioners

Mr. Arun Gupta, DAG Punjab

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**AMAN CHAUDHARY. J. (ORAL)**

1. The prayer made in the present petition is for declaring the action of the respondents in not granting the benefit of adhoc service rendered by the petitioners followed by the regular service.

2. Learned State counsel submits that the judgment passed by the Division Bench of this Court dated 24.04.1996, Annexure P-10, reliance upon which was placed by the petitioners, whereby the direction was given to count the adhoc service rendered prior to 01.09.1989 for fixation of pay in the revised scale of pay and grant of senior and selection grade, proficiency step-up and seniority on that basis, was set aside by Hon'ble the Supreme Court in Civil Appeal No.6525 of 1998 decided on 20.02.2001, thus the present case is liable to be dismissed. The relevant paras of the aforesaid judgment read thus:

“The core question that arises for determination in these cases is whether the period of adhoc services rendered by the respondents, who are teachers in Punjab State Service, is to be counted for determination of seniority and for the purpose of higher scale of pay after 8 or 18 years of service under the Proficiency step up scheme. This question was considered by a three Judge Bench of this Court in the case of **State of**

**Haryana vs. Haryana Veterinary & AHTS Association and another** (2006 (8) SCC 4). Therein this Court took the view that for the purposes of cadre seniority and higher pay under the proficiency step up scheme only regular substantive service of an employee is to be counted and not adhoc service.

The respondents were initially appointed on adhoc basis without following the procedure prescribed under the Recruitment Rules and without referring their case to the Punjab Public Service Commission. Subsequently their services were regularised and fresh appointment orders were issued. The question formulated above arose when the employees claimed higher scale of pay under the scheme and wanted the adhoc service rendered by them to be included counting 8 of 18 years of requisite service.

On perusal of the papers and on the consideration of the submissions made by the learned counsel for the parties we are satisfied that this is covered by the decision in the **State of Haryana Haryana Veterinary & AHTS Association and another** (supra). Accordingly, the appeals are allowed and judgments/orders under challenge are set aside. We make it clear that if any of the respondents has drawn any amount on the basis of the step up pay granted to counting the adhoc service following the judgment/order passed by the High Court then the State shall recover the amount drawn by him. But regarding the fixation/determination of cadre seniority, the position laid down in this order will govern. No costs.”

3. Learned counsel for the petitioner has not been able to rebut the aforesaid, in view of which, the present petition is dismissed.

(AMAN CHAUDHARY)  
JUDGE

24.05.2024  
M.Kamra

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No