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

(103)

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Date of decision :-16.01.2024

Rattan Singh

...Appellant

Versus

Head Quarter Jail, Head Office, Ambala and others ...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.R.A.Sheoran, Advocate
for the appellant.

Mr. R.K.S.Brar, Additional Advocate General, Haryana
for the respondents.

...

SUVIR SEHGAL, J (ORAL)

1. Plaintiff-appellant is in second appeal before this Court challenging the judgement and decree dated 04.01.1993, passed by the learned Additional District Judge, Bhiwani.

2. Facts, in brief, may be noticed. Pursuant to appointment order dated 08.04.1988, Exhibit D1, Rattan Singh, plaintiff-appellant, joined duties as Jail Warder, on 10.06.1980. He claims that he was given the salary as well as other benefits equivalent to that being given to a regular employee, but the benefit of medical allowance and one month's cash compensation equal to one month's salary in lieu of gazetted holidays was stopped, w.e.f. 01.07.1990, and recovery of the excess amount paid to him, has been effected without granting even opportunity of being heard.

He filed a suit for declaration challenging the withholding of monetary

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benefits and for grant of the consequential relief. Upon notice, suit was opposed by the defendant-respondent on the ground that the State Government vide letters dated 20.09.1968 and 24.01.1969, Exhibit D-2 and D-3, respectively, has clarified that ad hoc employees are not entitled to medical allowance and by letter dated 11.11.1980, Exhibit D-4, it was made clear that pay and allowances in lieu of gazetted holidays cannot be granted to the ad hoc employees. A stand was taken that these benefits were wrongly granted to the plaintiff-appellant and have been withheld after the error came to the notice of the defendants. It has further been submitted that the excess amount paid has already been recovered. Various other objections were also taken by the defendants in their written statement. The stand was controverted by the plaintiff-appellant by filing a replication and after the parties lead evidence, Trial Court by judgment and decree dated 16.05.1992, decreed the suit and held that the plaintiff-appellant was entitled to both the benefits. In appeal preferred by the defendant-respondents, Lower Appellate Court by judgment and decree under challenge, has reversed the findings of the Trial Court, resulting in the instant appeal at the hands of the plaintiff-appellant.

3. I have heard counsel for the parties and examined the record with the able assistance.

4. In order to determine the status of employment of the plaintiff-appellant, it is necessary to examine his appointment order dated 08.04.1988, Exhibit D-1. The relevant extract of the said order reads as under:-

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*“On recommendations made by the Rajya Sainik Board, Haryana, Panchkula (Ambala), vide their letter No.27/88, dated 16.03.1988, following candidates are, hereby, appointed as Jail Warder in the pay scale of Rs.950-1500 plus usual allowances as admissible under the Rules from time to time purely **on ad hoc basis** and posted at the Jails as indicated against the each....”*

Name of the plaintiff-appellant figured at Sr. No.12, of the list, which is a part of the order. It is evident from this order that the plaintiff-appellant was employed as an ad hoc employee and not as a permanent or regular employee as has been claimed by him.

5. On a clarification sought by various Departments, the Government of Haryana, Department of Medical and Health, by letter dated 24.01.1969, Exhibit D-3, clarified that employees appointed on ad hoc basis are not covered under the Medical Attendance Rules for the purpose of claiming reimbursement of medical charges right from the beginning and it was further clarified that the medical charges reimbursed in such cases should be recovered. Similarly by letter dated 11.11.1980, Exhibit D-4, the Government of Haryana partially modified its earlier instructions issued on 06.02.1980, and clarified that employees working on ad hoc basis are not entitled to grant of cash compensation equal to one month's salary in lieu of loss of gazetted holidays to Warders, Head Warders and Matrons of the Jail Departments.

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6. When all the documents are read in juxtaposition, it becomes evident that as the plaintiff-appellant was employed on ad hoc basis, he was not entitled to both the benefits. As such, there was no illegality in the recovery of the amount paid to him inadvertently.

7. As a sequel to the above discussion, there is no merit in the present appeal, which is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

16.01.2024
Pardeep

Whether speaking/reasoned	Yes
Whether reportable	Yes