

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

206

**CWP No.3965 of 1998
Date of Decision : 18.4.2024**

*Chander Kanta**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. P.L. Verma, Advocate, for the petitioner

Mr. R.S. Budhwar, Addl. AG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a direction to the respondents to grant selection grade of pay to the petitioner by counting the service rendered by him as JBT Teacher on *ad hoc* basis from 7.9.1959, up to regularisation in service w.e.f. 3.8.1961.

2. Learned State counsel contends that the petitioner is entitled to grant of selection grade by counting only the regular service rendered in the Department as per instructions dated 28.6.1991, Annexure R-4. Based upon that, on completion of eighteen years of regular service, the selection grade of pay was duly given to him w.e.f. 3.8.1979. The service prior to regularisation could not be counted for the purpose.

3. The benefit of selection grade has been given based on instructions dated 28.6.1991, which stipulate that selection grade may be granted to all state cadre teachers who have completed 'eighteen years of service before 1.1.1986'. Accordingly, the service rendered by teachers

after being borne on the cadre can only be counted for giving selection grade of pay. The petitioner came in state cadre only after regularisation, and was given the benefit by counting the service rendered in the cadre. There is no provision to count *ad hoc* service prior to regularisation for this benefit. Besides, law is already settled that such service cannot be counted; a reference can be made to *State of Haryana v. Haryana Veterinary and AHTS Association and another*, (2000) 8 SCC 4, holding that *ad hoc* service prior to regular appointment is not to be counted for selection grade.

4. In view thereof, there is no merit in the petition, and it stands dismissed accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

18.4.2024
Ashwani

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