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

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Date of decision:08.05.2024

RAJ KUMAR

... APPELLANT

VS.

**PUNJAB STATE ELECTRICITY BOARD, PATIALA AND ANR
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Gauri C. Kaushal, Advocate for the appellant.

Ms. Jarnail Kaur Dhaliwal, Advocate for the respondents.

SUVIR SEHGAL J. (ORAL)

1. Plaintiff-appellant is in second appeal before this Court challenging the judgment passed by the First Appellate Court.
2. Pledged case of the plaintiff is that he joined service as a Lower Division Clerk (LDC) with the defendants on ad-hoc basis on 03.11.1976 and his service was regularized w.e.f. 01.04.1978. He filed a suit for declaration to the effect that he is entitled to count his service from the initial date of appointment for the purpose of seniority and promotion.
3. Upon notice, suit has been contested by the defendants by filing a written statement stating that ad-hoc service is not liable to be counted under the service rules framed by the defendants. On the basis of the pleadings of the parties, issues were framed and after they led evidence, Trial Court by judgment 05.10.1994, decreed the suit. In



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appeal preferred by the defendants, the judgment and decree passed by the Trial Court was reversed by the learned District Judge, Faridkot, by judgment dated 08.05.1997. Plaintiff-appellant is before this Court in the above background.

4. I have heard counsel for the parties and considered their respective submissions.

5. The issue as to whether ad-hoc service is liable to be counted for the purposes of promotion and seniority is no longer *res-integra* and has been settled in plethora of judgments.

6. In **Rashi Mani Mishra and others Versus State of Uttar Pradesh and others (2021) 17 SCC 399**, Supreme Court has held that ad-hoc appointment cannot be treated as substantive appointment and services rendered by ad-hoc appointees prior to their regularization cannot be counted for purpose of seniority. After exhaustive discussion of the case law, a Co-ordinate Bench of this Court in **Parmod Kumar and others Versus State of Haryana and others 2018 (4) PLR 818**, has held that the period of ad-hoc/work charge/temporary service cannot be counted towards seniority before the date of regularization as an employee becomes a member of service for the first time on regularization. This judgment has been affirmed by a Division Bench of this Court in **Harish Kumar and others Versus State of Haryana and others Law Finder Doc Id #2160610** and SLP (Civil) Diary No.16439/2023, has been dismissed by the Supreme Court on 28.07.2023.

7. Insofar as the present case is concerned, a perusal of the appointment letter, Ex.P-1, produced by the plaintiff shows that he was appointed on ad-hoc basis on an application given by him. It is evident that his entry into service was through a backdoor. Although, in terms of the regularization policy of the Government, he was subsequently regularized, but service rendered as an ad-hoc employee cannot be counted for the purpose of seniority or for promotion. Counsel for the appellant has not been able to refer to any statutory rule to support the claim. There is no illegality or infirmity in the judgments passed by the Courts below, which do not call for any interference.

8. Finding no merit in the appeal, it is hereby dismissed with no order as to costs.

08.05.2024

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No