



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.217

CWP-20628-2017
Date of Decision: 19.11.2024

Dr. Smt. Jyoti Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Yashdeep Nain, Advocate and
Mr. Vivek Sheoran, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a direction to the respondents to exempt the petitioner from rural service for grant of senior/selection grade.

2. Briefly, as per facts apparent on record, the petitioner was appointed as Lecturer (College Cadre) in Botany on *ad hoc* basis, vide office order dated 13.12.1993, Annexure P-1, and continued working as such. Later, she was offered regular appointment as Lecturer (College Cadre), HES-II Group 'B' in the subject of Botany, vide memo dated 07.07.2006, Annexure P-2, and joined service on 11.07.2006. As per the terms of appointment, she was required to serve in rural area/small town for a minimum period of five years, out of which three years should be prior to placement in senior scale and at least two years prior to giving selection grade. The petitioner represented to the Department vide letter dated 23.10.2013, Annexure P-9, requesting that she may either be exempted from rural service, or transferred to a rural government college considering her



length of service from 04.01.1994. Pursuant thereto, the petitioner was transferred/adjusted in a rural college for completing the required service for grant of senior/selection grade, vide office order dated 27.07.2015, Annexure P-10. On completion of rural service, she was given the grade with effect from 11.07.2006, vide office order dated 20.09.2019, Annexure P-12.

2.1. Learned counsel for the petitioner contended that it was only on account of not being posted for rural service that the grant of senior/selection grade to the petitioner was delayed. In fact, she was entitled to be exempted from rural service for grant of senior/selection grade since the Government, vide decision dated 28.02.2013, Annexure P-4, had granted similar exemption to Lecturers/Assistant Professors in different subjects; these lecturers were also initially appointed on *ad hoc* basis and later regularised in service. The petitioner's case is also on similar footing since after rendering *ad hoc* service with effect from 13.12.1993, she has been appointed on regular basis without any break, vide office order dated 07.07.2006. Accordingly, she is entitled to the benefit from that date which has been wrongly denied to her which is discriminatory. And also to interest from the date similarly placed persons were given exemption from rural service, i.e., 28.02.2013.

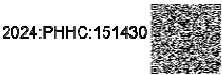
3. Learned State counsel, on the contrary, contended that fresh terms of appointment were offered to the petitioner after selection, and she had to do compulsory rural service for senior/selection grade of scale. She was duly posted for rural service for the purpose vide office order dated 27.07.2015. However, instead of completing the service at one stretch, she proceeded on child care leave on two occasions, i.e., from 19.08.2016 to 14.02.2017 (180 days), and 12.04.2017 to 03.05.2018 (387 days). As per rules, the period spent on child care leave cannot be counted towards rural service. The petitioner, therefore, completed the requisite rural service on



06.01.2019, and thereafter the due benefits were released to her along with other similarly placed Assistant Professors, vide office order dated 24.09.2019. She also contends that the petitioner cannot claim parity with other *ad hoc* lecturers, who were regularised in service, and given the senior/selection grade by relaxing the condition of compulsory rural service because one of them, Inderjit Kaur, was due to retire from service on 21.10.2015. Had the rural service condition been imposed upon her, she would never have been entitled to grant of senior/selection grade. Still further, the condition of rural service is a mandatory requirement in terms of the service rules as well.

4. Heard.

5. It remains undisputed on record that the petitioner was offered appointment as Lecturer in Botany, vide letter dated 07.07.2006, and joined service on 11.07.2006. It was a fresh appointment on the terms and conditions laid down in the letter of appointment which included compulsory rural service for three and five years for grant of senior scale and selection grade, respectively. The petitioner's claim for parity on the basis of exemption granted to other lecturers, who were initially appointed on *ad hoc* basis and regularised pursuant to the policy framed by the Government, cannot be accepted since those lecturers formed a separate class. The petitioner was not regularised in service in terms of any government policy. Although *ad hoc* service was rendered by the petitioner also, but she had been selected afresh on the post she had been holding, and was offered the appointment under the laid down conditions. Further, the exemption granted to the lecturers who were regularised, was under peculiar facts as contended by learned State counsel and mentioned in the order granting exemption as well.



6. Also, the petitioner has already been given the benefit of senior/selection grade as per her entitlement on completion of the requisite rural service and fulfilling other conditions from the date of her entitlement, i.e., 11.07.2006.

7. Accordingly, there is no merit in the petitioner’s claim, and the petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

19.11.2024
Maninder

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