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2024:PHHC: 020585

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

CWP-23899-2018
Date of Decision : 13.02.2024

Saroj Bala and others ...Petitioners
Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sunny Singla, Advocate for the petitioners.

Mr. Gagneshwar Walia, Addl.A.G., Punjab.

AMAN CHAUDHARY, J.

1. The prayer in the present writ petition is for issuance of a direction to the respondents to release the benefit of one premature increment to the petitioners for non-participation in the strike dated 08.02.1978.

2. Learned counsel for the petitioners would submit that the issue involved in the present case already stands decided by this Court vide judgment dated 18.05.2009 in CWP-3504-1989 (Ramesh Chander and others versus State of Punjab and others) and SLP filed against the same, was also dismissed on 27.04.2015 (Annexure P-3). Relying on the aforesaid judgment, another writ petition bearing CWP-24210-2018 titled as “Kusum Malhotra vs. State of Punjab ” was allowed on 02.08.2023.

3. Learned State counsel has been unable to rebut the factual position in this matter or cite any contrary law.

4. Heard the learned counsel on either side.

5. Incontrovertibly, the petitioners, who were working on *ad hoc* basis with the Department, did not take part in the strike on 08.02.1978. As per Circular dated 16.06.1978, all employees, who had not participated in the aforesaid strike, were entitled to grant one premature increment. The said benefit having not been granted to those, who were working on ad hoc basis, like the petitioners, allowed the relief by this Court relying on judgment in Ramesh Chandra (supra), as there can be no distinction drawn between the *ad hoc* and regular employees and the date of regularization, had no nexus to the purpose sought to be achieved.

6. The aforesaid judgments having been found to be applicable to the case of the petitioners on all fours, the present petition is allowed in the same terms as in **Kusum Malhotra** and **Ramesh Chander and others** (supra). The respondents are directed to grant the necessary relief to the petitioners within a period of six weeks.

February 13, 2024
ps

(AMAN CHAUDHARY)
JUDGE

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