

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-37-2022
Date of decision : 22.04.2024

Fauja Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Neeraj Sharma, Advocate
for the petitioner.

Ms.Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to count the work charge service of the petitioners as detailed in Annexure P-1 followed by regularization for the purposes of determination of total length of service for grant of proficiency step up / Assured Career Progression Scheme.
2. Learned State counsel has filed a reply in the Court, which is taken on record. Learned State counsel has submitted that in the present case in paragraph 20 of the writ petition, the petitioner has relied upon CWP-25913-2015 titled as “Ranjit Singh & Ors. vs. State of Punjab & Ors.” which was stated to be similar case by the petitioner and the said petition, in which the similar prayer has been made as in the present writ petition, has been dismissed vide a detailed judgment by the Coordinate Bench of this

Court on 03.10.2023. Learned State counsel has referred to the relevant paragraphs of the said judgment which are reproduced hereinbelow:-

“1. The petitioners, who are employees of Department of Irrigation, Punjab, seek issuance of a writ in the nature of mandamus directing respondents to count the service rendered by them on work-charge basis, prior to their regularization, for the purpose of determination of total length of service required for granting increments of proficiency step-up upon completion of 8 and 18 years of service.

xxx xxx xxx

32. The above consistent view of the Hon'ble Supreme Court does not leave any room for taking a different view and it stands well settled that service rendered on work-charge basis prior to regularization of an employee is not to be counted for the purpose of grant of benefits like increment of proficiency step-up upon completion of 8 and 18 years of service etc., unless the rules / policies of the State specifically permits for the same. There being no such policy prevalent, the petitioners cannot stake their claim so as to seek benefit of proficiency step-up by counting his service rendered on work- charge basis. The judgment of Hon'ble Supreme Court in Jasmer Singh's case, wherein policy relied upon by the petitioner i.e. policy dated 1.12.1988 (Annexure P-1), has been interpreted, coupled with clarificatory letter dated 1.9.1989 (Annexure P-2), make it crystal clear that service rendered on ad-hoc/work-charge basis by the petitioners, prior to their regularisation cannot be counted towards grant of proficiency step-up increments.

33. Rather, this Court is of the opinion that granting such benefits would have wide ramifications and would lead to multiplicity of litigation inasmuch as the persons who may have been appointed directly shortly before the petitioners were made regular would be drawing a lesser salary whereas the petitioners on the strength of their service rendered on work-charge basis would be drawing a higher salary. The same would be an anomalous situation which should be avoided.

34. Finding no merit in the petition, the same is hereby dismissed.”

It is submitted by learned State counsel that the present matter is squarely covered by the said judgment and the present writ petition deserves to be dismissed in view of the above said judgment.

3. Learned counsel for the petitioner has not been able to

contradict the said submission.

4. Keeping in view the above said facts and circumstances, the present writ petition is dismissed on the same terms as CWP-25913-2015 decided by the Coordinate Bench of this Court on 03.10.2023.

(VIKAS BAHL)
JUDGE

April 22, 2024

Davinder Kumar

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