

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1.

CWP-5643-2017

Sarwan Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

2.

CWP-5644-2017

Balkar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

3.

CWP-5645-2017

Balbir Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

4.

CWP-5646-2017

Johar Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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5.

CWP-13488-2017

Harbhajan Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

Date of decision : 06.03.2024

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Mr.Arjun Sheoran, DAG, Punjab.

Ms.Richa Sharma, Advocate for
Mr. Amar Vivek, Advocate
for respondent no.4 in CWP-5645-2017.

VIKAS BAHL, J.(ORAL)

1. This order will dispose of five writ petitions i.e., CWP-5643-2017 filed by Sarwan Singh and others, CWP-5644-2017 filed by Balkar Singh and others, CWP-5645-2017 filed by Balbir Singh and others, CWP-5646-2017 filed by Johar Singh and others and CWP-13488-2017 filed by Harbhajan Singh and others.

2. The prayer made in all the writ petitions is for issuance of a writ in the nature of mandamus directing the respondents to count the work charge service of the petitioners followed by regularization for the purposes of determination of total length of service for grant of proficiency step up / Assured Career Progression Scheme.

3. On 25.04.2017, a Coordinate Bench of this Court was pleased to pass the following order:-

2015 involving identical issues notice of motion has been issued and the same stands listed for hearing on 04.9.2017.

Notice of motion for 04.9.2017.

A photo copy of this order be placed in the file on all the connected files.

April 25,2017

(JASWANT SINGH)
JUDGE”

3. Learned counsel for the respondents has pointed out that the said writ petition i.e. CWP-25913-2015 has been dismissed by the Coordinate Bench of this Court vide detailed order dated 03.10.2023. The relevant portion of which is highlighted and is reproduced hereinbelow:-

“31. In any case, the State of Punjab itself in its clarificatory letter dated 1.9.1989 had in unambiguous terms clarified that the service rendered on work-charge basis is not to count for grant of proficiency step-up. The said relevant extract from the said letter dated 1.9.1989 is reproduced herein-under :-

“Sub: Clarification in respect of grant of proficiency step-up(s).

Sir,

In continuation of Punjab Government Instructions issued vide circular letter No.7/14/88-5 PPI/2269/18527, dated Ist December, 1988 and subsequent letter No. 7/14/88-5PPI/14688 dated 9th August, 1989 regarding the grant of proficiency step-up(s), I am directed to say that various departments/offices have raised certain points for clarification in respect of grant of proficiency step-up, the procedure for which was laid down in the letter dated 1.12.88, the matter has been considered in detail in consultation with the Department of Finance and the following clarifications are given on the various points :-

Points		Clarification	
6	An employee was appointed on adhoc basis wherein he had put in 3 years of service. Subsequently, he was appointed on regular basis. For the grant of Proficiency whether the period 8/18 years is to be taken from the date of his appointment on adhoc basis or from the date he joined on regular basis as appointed by the Subordinate Services Selection Board/ Departmental Selection Committee Punjab/ Punjab Public Service Commission	6	The period of eight or eighteen years is to be reckoned from the date of appointment on regular basis Service rendered on adhoc basis is not to be counted for the purpose of grant of proficiency step-up(s).

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 workcharge 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."

Learned counsel for the respondents has submitted that in view of the said judgment, the present petitions, where identical issues are involved, also deserve to be dismissed.

4. Learned counsel for the petitioners has fairly submitted that the matter is covered by the judgment passed by the Coordinate Bench in **CWP-25913-2015** titled as **"Ranjit Singh and others vs. State of Punjab and others"**, decided on 03.10.2023.

5. Keeping in view the abovesaid facts and circumstances, all the writ petitions are dismissed in view of the judgment passed by the Coordinate Bench of this Court in **CWP-25913-2015** titled as **"Ranjit**

Singh and others vs. State of Punjab and others”, decided on 03.10.2023.

(VIKAS BAHL)
JUDGE

March 06, 2024
Davinder Kumar

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