



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP No. 28170 of 2024
Date of Decision : 19.10.2024

Avrinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the grant of benefit of working on ad-hoc basis has wrongly been denied by the respondents while passing the impugned order dated 25.05.2022 (Annexure P-18).
2. Learned counsel for the petitioner submits that the petitioner was initially appointed as ETT/JBT Teacher on regular basis vide order dated 11.03.1991 (Annexure P-1). Learned counsel for the petitioner submits that thereafter the petitioner had competed for the post of Science Master in pursuance to the Advertisement, which was issued in the year 1992 and after being selected, he joined the said post on 09.04.1994. The said selection was challenged on the ground that the candidates beyond the number of posts advertised have been appointed and this Court had set-aside the selection of the candidates, which was beyond the number of posts advertised. The



judgment of this Court by which the selection of the candidates, who were appointed beyond the number of posts advertised was set-aside, same was upheld by the Hon'ble Supreme Court of India in SLP No. 23952 of 1996 titled as ***Surinder Singh and others Vs. State of Punjab and others***, decided on 27.08.1997.

3. Learned counsel for the petitioner further submits that after the said judgment, even the ad-hoc appointment of the petitioner was set-aside on 13.11.1997 (Annexure P-7) and the petitioner remained out of service and ultimately, he made a request for allowing him to join on his previous post as a JBT Teacher, which was allowed in February, 1999 and thereafter, he was again promoted as a Master in the year 2001 and retired while attaining the age of superannuation on 31.10.2023.

4. Learned counsel for the petitioner argues that the claim of the petitioner is that the period from the year 1994 to 1997 be treated as a valid period for grant of service benefit in the Cadre of Master, which benefit has been declined by the respondents by the impugned order dated 25.05.2022 (Annexure P-18).

5. Keeping in view the advance copy given, the State has appeared and the learned counsel for the respondent-State submits that in the present case, the petitioner's ad-hoc appointment from the year 1994 to 1997 cannot be given benefit in the Cadre of Master as, the petitioner was promoted on the said post in March, 2001, hence, no benefit of his direct recruitment which was subsequently changed to the ad-hoc appointment, can be given to the petitioner.



6. Learned counsel for the petitioner submits that some of the candidates, who were not given the said benefit, had approached this Court by filing CWP No. 18673 of 2012 titled as ***Kewal Singh Vs. State of Punjab and others***, decided on 03.11.2014, which benefit has been extended to the said persons, hence, the petitioner is also entitled for the grant of the benefit.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It is a conceded fact between the parties that the selection of the petitioner to the post of Master in the year 1994 was set-aside by this Court, which judgment has already attained finality in the Hon'ble Supreme Court of India. No benefit of the said appointment can be given to the petitioner, especially when after the said judgment, the petitioner again went back to join his initial post of JBT Teacher and was promoted on his seniority in March, 2001 in the Master Cadre. That being so, if the claim of the petitioner is that he should be granted the benefit of the service in the Master Cadre from the year 1994 to 1997, the same will create anomaly as, the petitioner will be getting promotion and other benefits ahead of his seniors, who were working in the JBT Cadre.

9. Even otherwise, once the appointment of the petitioner was held to be bad and the same was set-aside, no benefit of the said service can be allowed in favour of the petitioner, especially when the said service was on ad-hoc basis and it is only after a gap of more than 04 years, on the basis of seniority in the JBT Cadre, the petitioner only got promotion in the Cadre of Master.



10. With regard to the assertion that the benefit has been granted to the similarly situated employees by this Court in *Kewal Singh's case (supra)*, the same is also not correct. In *Kewal Singh's case (supra)*, the ad-hoc appointment in the Cadre of Master was regularized by the State and there was no gap between the ad-hoc appointment and regularization of services in case of *Kewal Singh's case (supra)* and it was only under these circumstances, the benefit of ad-hoc appointment was given whereas, in the case of the petitioner, after the ad-hoc appointment was terminated, the petitioner was reverted back to his JBT Cadre, wherein, the petitioner in Master Cadre got promotion after serving for another period of two years in the JBT Cadre on the basis of his seniority in the JBC Cadre, which facts are not there in *Kewal Singh's case (supra)*. Hence, the claim that the petitioner is similarly situated as per the petitioner in *Kewal Singh's case (supra)*, is incorrect.

11. No other argument is raised.

12. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

13. Dismissed.

October 19, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No