

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 05.02.2025

1) CWP-5929-2000(O&M)

RAMESHWAR KAUSHIK AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

2) CWP-5930-2000

HOSHIAR SINGH AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. G. S. Bajwa, Advocate with
Mr. Dilsahibjit Singh, Advocate
for the petitioner(s).

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

These petitions are based upon similar facts involving common issues, accordingly, the same are being decided together. For brevity, the facts have been taken from CWP-5929-2000.

2. This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the orders dated 20.08.1998 and 30.07.1998, whereby the petitioners' claim for the benefits of first and second higher standard pay scales upon completion of the requisite ten and twenty years of service, respectively, by counting their *ad hoc* service prior to regularisation, has been rejected. A writ of *mandamus* has also been sought directing the respondents to grant the benefits of these pay scales by counting their *ad hoc* service.

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3. Learned counsel for the petitioner(s) has contended that the petitioners, who were initially appointed as JBT Teachers/Math Masters/Lecturers/Science Mistresses on *adhoc* basis, were later regularised in service in terms of different Government Policies. Their dates of appointment and regularisation have been mentioned in Annexure P-1, appended to the petition. The Government issued a letter dated 08.02.1994, Annexure P-5, for grant of higher standard pay scales to Group-C and D employees on completion of ten years or more, and twenty years or more, of regular satisfactory service. Paragraph 2 of the letter stipulates:

2. With effect from First January, 1994 or thereafter, as the case may be, the grant of higher standard scale will be regularised as under:

(i) every employee of group 'C' or 'D' category who has not got any promotional scale/higher time scale/selection grade in his service career and has completed twenty years or more of regular satisfactory service before 01.01.1994 will be allowed with effect from 01.01.1994 in place of his present pay scale the second higher standard pay scale specified in column 4 of the enclosed Annexure with respect to the pay scale of the post applicable from 01.01.1986. An employee who completes such regular satisfactory service of twenty years after 01.01.1994 and has not got any promotion or promotional scale/higher time scale/selection grade in his service career will be allowed from first day of the month following the month in which he completes such service.

(ii) Every employee of group 'C' and 'D' category who has got any promotion or promotional scale/higher time scale/selection grade in his service career and has completed ten years or more but less than twenty years regular satisfactory service before 01.01.1994 will be allowed with effect from 01.01.1994 in place of his present pay scale the first higher standard scale specified in column 3 of the

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enclosed Annexure with respect to the pay scale of the post applicable from 01.01.1986. An employee who completes such regular satisfactory service of ten years after 01.01.1994 and has not got any promotion or promotional scale/higher time scale/selection grade in his service career will be allowed the aforesaid first higher standard scale from the first day of the month following the month in which he completes such service.

4. Further, learned counsel for the petitioner(s) has referred to a clarification dated 20.08.1996, Annexure P-3, issued by the Government with reference to earlier letter dated 07.08.1992, whereby the Scheme of additional increment to the employees of Group C and D categories upon completion of eight/eighteen years of regular satisfactory service in the same group has been interpreted. The clarification stated that the period of *adhoc* service followed by the regular appointment under the State Government would be taken into consideration while calculating the prescribed length of service under the Scheme. It is, accordingly, contended that once the Government has itself clarified that *adhoc* service prior to regularisation is to be taken into consideration for calculating the prescribed length of service for giving the benefits under the earlier Scheme, this should also apply to the Scheme dated 08.02.1994 as well, under which the petitioners are claiming the benefits.

5. Learned State counsel, on the contrary, contends that *adhoc* service rendered by the petitioners prior to their regularisation cannot be counted for the purpose of giving benefits under the Scheme as the stipulation clearly requires regular satisfactory service of the employees. He further contends that the Scheme has been uniformly applied to all the Group C and D category employees, and no exception can be made in the petitioners' case for the purpose of granting benefits. He has also relied upon the judgment of

AHTS Association and another, (2000) 8 SCC 4, holding that *adhoc* service rendered by the employees cannot be counted for service benefits, including additional increments, where the Rules/Schemes require that service must be regular satisfactory service.

6. Submissions made by learned counsel for the parties have been considered.

7. It remains undisputed on record that the petitioners were initially appointed on *adhoc* basis and were later regularised in terms of the applicable Government Policies, from different dates. They are now claiming benefits of higher standard pay scales in terms of a Government letter dated 08.02.1994, which provides for grant of higher standard pay scales to Group C and D category employees on completion of ten and twenty years of regular satisfactory service before 01.01.1994. This letter/scheme had replaced the earlier Scheme framed by the Government vide letter dated 07.08.1992. The Government clarification, dated 20.08.1996, has been issued specifically with reference to the earlier Scheme dated 07.08.1992, which now stands replaced, as aforementioned. Accordingly, any clarification issued in terms therewith will not have any application to the subsequent Scheme, which has been issued as a replacement of the earlier Scheme rather than in its continuation. Further, the Scheme clearly stipulates that an employee must have completed regular satisfactory service of requisite duration in order to be eligible for benefits thereunder which the petitioners concededly do not. Still further, in *Haryana Veterinary and AHTS Association* case (*supra*) it has been laid down that *adhoc* service is not to be counted for service benefits *de hors* provisions to the contrary in the Rules/Scheme.

8. In view thereof, there is no merit in the petitions and the same stand dismissed.



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9. Pending miscellaneous application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.
10. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)
JUDGE

05.02.2025
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>