



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

**RSA No. 4147 of 2001 (O&M)
Date of decision : 29.07.2025**

State of Haryana and ors.

...Appellants

versus

Dalpati Devi

....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Manish Dadwal, AAG. Haryana

Mr. Govind Chauhan, Advocate for
Mr. Gobind Dhanda, Advocate
for the respondent.

SUDEEPTI SHARMA, J.

1. The appellants have preferred the present Regular Second Appeal against the judgment and decree dated 25.08.2000 passed by learned Civil Judge (Jr. Division), Karnal and judgment and decree dated 17.07.2001 passed by learned Addl. District Judge, Karnal, whereby the suit filed by the respondent/plaintiff has been decreed and the appeal filed by appellant-State of Haryana has been dismissed respectively.

2. Brief facts of the case are that the plaintiff-respondent was appointed as Steno-Typist on 28.12.1987 and joined the office of Epidemiologist (Animal Husbandry) at Sonipat on 01.01.1988. She was regularized on 14.02.1992. According to the respondent/plaintiff, the appellants did not count her services for the period from 01.01.1988 to 01.01.1990 and she was denied the benefit of 10 years of service and scale



of ACP was refused, vide letter dated 03.12.1998 issued by Deputy Director, Intensive Cattle Development Project, Karnal. It was contention of the respondent in the civil suit that similar benefit was allowed to Mrs. Gurdeep Kaur, as she was given the benefit of her *ad hoc* service for the purpose of regular satisfactory service by the office of Intensive Cattle Development Project, Karnal. The respondent/plaintiff filed civil suit challenging the letter dated 03.12.1998 issued by Deputy Director, Intensive Cattle Development Project, Karnal. However, she claimed that she is entitled to revised pay scale after completion of 10 years of service from 01.01.1988 besides arrears on account of grade with interest.

3. The civil suit filed by the respondent/plaintiff was decreed in her favour by Civil Judge (Jr. Division), Karnal, vide judgment and decree dated 25.08.2000 and the appeal filed by State of Haryana/appellant against the judgment and decree dated 25.08.2000 was dismissed by Addl. District Judge, Karnal, vide judgment and decree dated 17.07.2001. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

4. Learned counsel for the appellants contends that both the Courts did not appreciate the very fact that the grant/benefit of First ACP can only be given to employee after completion of 10 years of regular service. Further, both the Courts did not appreciate letter dated 03.12.1998 Ex D2, since as per ACP Rules, 1998 which were made effective w.e.f 01.01.1996, it is clear that ACP Grade is to be granted to Government employee after he/she rendered satisfactory regular service for a minimum



period of 10 years. He, therefore, prays that the present appeal be allowed.

5. Learned counsel for the appellants has referred to judgment of Hon'ble the Supreme Court of India in a case of ***Malook Singh and others vs. State of Punjab and ors, 2021 (4) SCT 305*** to submit that the services rendered by ad hoc employees prior to their regularization cannot be counted for the purpose of seniority.

6. He has further referred to judgment of this Court in a case of ***Parmod Kumar and others vs. State of Haryana and others, 2018 (4) PLR 818*** to submit that the period of ad hoc/work charged/temporary services, cannot be counted towards seniority in the cadre before the date they were regularized. Further, only regular service rendered satisfactorily counts for claiming rights for grant of ACP scales.

7. Per contra, learned counsel for the respondent argues on the lines of the judgment and decrees passed by both the Courts and contends that the civil suit filed by the respondent has rightly been decreed in the favour of the respondent. Therefore, the present regular second appeal be also dismissed.

8. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

9. A perusal of the record shows that the respondent was appointed on ad hoc basis on 28.12.1987 and thereafter, vide order dated 14.02.1992 (Ex D1), she was regularized w.e.f 31.12.1990 with the condition that she would be on probation for a period of 02 years along with other conditions.



10. The respondent/plaintiff moved an application before the Deputy Director, Intensive Cattle Development Project, Karnal for seeking benefit of ad hoc service from 01.01.1988 to 01.01.1990 as regular service for the purpose of seniority/Assured Career Progression (ACP) and other service benefits. The same was dismissed, vide letter dated 03.12.1998 stating that the respondent was regularized w.e.f 31.12.1990, therefore, she would not be entitled for grant of ACP. Further, the stand was also taken by the appellant in the civil suit that the respondent is not entitled to grant of ACP since she did not complete 10 years of regular service as steno typist.

11. ACP Rules, 1998 are part of the record as Annexure D-3 and as per eligibility criteria prescribed under Rule 5 of ACP Rules, 1998, the eligibility is minimum period of 10 years of regular satisfactory service. Admittedly, the respondent was regularized on 14.02.1992 w.e.f 31.12.1990. Therefore, once the rules did not prescribe for grant of ACP and as per the above referred to Rules, only employees with 10 years of regular service are eligible for grant of ACP scales. The same could not be granted by both the Courts. Both the Courts totally ignored ACP Rules, 1998 which are part of the record.

12. Now coming to the judgment referred to by learned counsel for the appellant in ***Malook Singh's case (supra)***. In this judgment, Hon'ble the Supreme Court has held that the services rendered by ad hoc employees prior to their regularization cannot be counted for the purpose of seniority.

13. Further in ***Parmod Kumar's case (supra)***, this Court held that ad hoc/work charged/temporary services before the date of regularization i.e



when they became members of service for the first time, cannot be counted towards seniority in the cadre. Further it has been held that ad hoc/work charged service on completion of 8/18 years of service as well as 10/20 years of service, does not qualify as regular satisfactory service and only regular service rendered satisfactorily, counts for claiming rights to these monetary benefits strictly as per provisions of these schemes.

14. In view of the above, since ACP Rules 1998 does not prescribe for grant of ACP scale to ad hoc employees and it is only granted to the employees with regular satisfactory service for a minimum period of 10 years, therefore, the respondent was rightly held not to be entitled for grant of ACP scale, vide letter dated 03.12.1998 issued by Deputy Director, Intensive Cattle Development Project, Karnal.

15. Resultantly, the present appeal is allowed and judgment and decree dated 25.08.2000 passed by learned Civil Judge (Jr. Division), Karnal and judgment and decree dated 17.07.2001 passed by learned Addl. District Judge, Karnal are hereby set aside. The suit filed by the respondent stands dismissed.

16. The decree sheet be drawn accordingly.

17. Pending applications, if any, also stand disposed of.

29.07.2025
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes