



CWP-2722-2006

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-2722-2006 (O&M)
Date of decision : 03.03.2025

JARNAIL SINGH & ORS.

..... Petitioners

VERSUS

PUNJAB STATE & ORS.

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. H. K. Brinda, Advocate
for the petitioners.

Mr. T. P. S. Chawla, Senior DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that their workcharge service which they have rendered to respondents should also be taken into account for granting them of the benefit under the Assured Career Progression (ACP) scheme.

2. Learned counsel for the petitioners submits that though the petitioners initially were rendering their service on workcharge basis and eventually their services were regularized, but the grant of benefit under the ACP scheme has only been granted to them from the date their services were regularized and not by counting the total length of service.

3. Learned counsel for the petitioners places reliance upon the judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.17529 of 2017 titled as "Gurmeet Singh and others Vs. State of Punjab and**



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others” decided on 18.11.2024.

4. Learned counsel appearing on behalf of the respondents on the other hand submits that the law on the present issue has already been settled by Hon'ble the Supreme Court of India in **Civil Appeal No.13423 of 1996 titled State of Haryana Vs. Haryana Veterinary and A.H.T.S. Association decided on 19.09.2000** wherein, the judgment of the Full Bench of this Court was reversed to hold that for the grant of the benefit under the ACP scheme, only the time period of regular service rendered by petitioner can be taken into account and not that of workcharge service.

5. Learned counsel for the respondents further submits that the benefit under ACP scheme being sought by the petitioners by placing reliance upon **Gurmeet Singh and others** (supra) has not been given to any of the similarly situated employee and as such no detail has been given by the petitioners that they have been discriminated in any manner.

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

7. The question, whether the workcharge service/ad hoc service rendered by an employee prior to regularization will be good enough to be treated as valid service for computing the grant of benefit under ACP scheme, has already been decided by Hon'ble the Supreme Court of India in **Haryana Veterinary and A.H.T.S. Association** (supra). The relevant para of the judgment is as under:-

“Rule 11 provides for continuation on probation for a period of 2 years and Rule 12 is the Rule for seniority. A combined reading of the aforesaid provisions of the Recruitment Rules puts the



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controversy beyond any doubt and the only conclusion which could be drawn from the aforesaid Rules is that the services rendered either on ad hoc basis or as a stopgap arrangement, as in the case in hand from 1980 to 1982 cannot be held to be regular service for getting the benefits of the revised scale of pay or of the selection grade under the Government Memorandum dated 2nd June, 1989 and 16th May, 1990, and therefore, the majority judgment of the High Court must be held to be contrary to the aforesaid provisions of the Recruitment Rules, consequently cannot be sustained.”

8. A bare perusal of the judgment would show that after considering the law, the finding has been recorded by Hon'ble Supreme Court of India that for the grant of benefit under ACP scheme, the ad hoc service/service rendered on work charge basis cannot be taken into account.

9. As far as the reliance being placed by the petitioners on the order passed by Hon'ble the Supreme Court of India in **Gurmeet Singh and others** (supra), it may be noticed that the relief claimed therein was only provided to the employee on the ground that the similarly situated employees were granted the same relief.

10. In the present case, no fact has come on record to show that any employee who was similarly situated as the petitioners has been granted the benefit under ACP scheme by taking into consideration the benefit of workcharge service. Once, this is an undisputed fact that there is no discrimination in the present case, the benefit granted by Hon'ble the Supreme Court of India in the judgment **Gurmeet Singh and others** (supra) will not be applicable in the case of the petitioners to grant them the relief

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claimed in view of the settled principle of law in Haryana Veterinary and A.H.T.S. Association (supra).

11. Keeping in view the totality of the circumstances, relief claimed, for the grant of the benefit under ACP scheme by counting the total length of service including the workchage service, cannot be accepted and the present petition is accordingly dismissed.

12. Pending applications, if any, also stand disposed of accordingly.

03.03.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

(HARSIMRAN SINGH SETHI)

JUDGE

Yes
No