

106 (I) CWP-21516-2013
Date of Decision : October 31, 2025

V/S

(II) CWP-5448-2016

V/S

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Mr. Monu Yadav, Advocate for
Mr. Dheeraj Mahajan, Advocate
for the petitioners (in CWP-5448-2016).

Mr. Sahil R. Bakshi, A.A.G., Punjab.

1. Both these writ petitions are amenable to being decided through a common verdict on account of theirs inhering identical facts and common questions of law. For the sake of brevity and convenience, the prayer is being extracted from CWP-21516-2013.

2. The petitioners have assailed the seniority list dated 30.06.2011 pertaining to regular Beldars working on the Ranjit Sagar Dam, Shahpurkandi, Pathankot, whereby their seniority has been fixed w.e.f. 01.10.1995.

3. Learned counsel for the petitioners submit that the seniority list is liable to be set aside solely on the ground that it is not in consonance with the Punjab Government's Instructions dated 13.03.1996 (Annexure P-1 in CWP No. 21516 of 2013).

4. *Per contra*, learned State counsel submits that the petitioners were initially engaged on a daily-wage basis as unskilled *mazdoors* on the Muster Roll. The services of all such daily-wage workers, including the petitioners, were brought on the work-charged establishment w.e.f. 01.10.1995. Accordingly, a seniority list of all work-charged employees was prepared with effect from the said date. It is further submitted that no seniority list of daily-wage workers had ever been prepared prior thereto. Subsequently, the services of all work-charged employees were regularised w.e.f. 13.03.1996, and from that date, the Punjab Civil Services Rules became applicable to them in terms of the instructions (*supra*). According to the said instructions, the past service rendered by an employee on a daily-wage basis is to be treated as qualifying service only for the purpose of pensionary and other consequential benefits, and not for determination of seniority. Accordingly, the petitioners have already been extended all consequential benefits arising out of their daily-wage service, including Project Allowance, Medical Allowance, and Terminal Benefits. However, their daily-wage service cannot be reckoned for the purpose of determining seniority, in view of the instructions (*supra*).

5. To buttress his submissions, learned State counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in "***State of Punjab and Others v. Ishar Singh and Others***", (2002) 10 SCC 674, the

relevant paragraphs whereof are reproduced hereunder:

“2. The respondents were initially appointed as Horticulture Inspectors on ad hoc basis without following the procedure laid down in the recruitment rules. Subsequently their services were regularised and orders appointing them on regular/substantive basis were issued. The appointments of the respondents (ad hoc and regular) were made prior to 1.9.1989. The question for consideration is whether the ad hoc services rendered by them is to be included for the purpose of calculating 8 or 18 years’ service which is required for giving them the higher scale of pay under the proficiency step-up scheme for seniority etc. This question was considered by this Court in the case of State of Haryana v. Haryana Veterinary & AHTS Association and Anr., 2000 SCC (L&S) 1043, in which a three Judge Bench of this Court held that the ad hoc service rendered by the employees is not to be included for the purpose of calculating 8/18 years of service; only regular service is to be counted for the purpose.

3. On consideration of the facts and circumstances of this case we are satisfied that the decision in State of Haryana v. Haryana Veterinary & AHTS Association case (supra) is applicable to this case.

4. Accordingly the appeal is allowed and the judgment/order passed by the High Court under challenge is set aside.

5. However, we make it clear that if any of the respondents has drawn any amount on the basis of the higher scale of pay granted to him taking into account the ad hoc service then the such amount already drawn by the employee shall not be recovered, though his cadre seniority and other consequential benefits will be governed by decision rendered herein. No cost.

6. This Court has examined the issue inhering these writ petitions in totality, but does not find any merit in these writ petitions. The reason for forming this inference stems from the Instructions dated 13.03.1996.

7. The Instructions (supra) make it abundantly clear that past service rendered by an employee on a work-charged or daily-wage basis is

to be treated as qualifying service only for pensionary and other consequential benefits, and not for fixation of seniority. These instructions have never been assailed. Furthermore, the petitioners have already received all consequential benefits, such as Project Allowance, Medical Allowance, and Terminal Benefits. Consequently, the period of daily-wage service rendered by the petitioners cannot be taken into account for the purpose of determining their seniority, in view of the Instructions (supra).

8. In view of the foregoing discussion, these writ petitions are **dismissed** as being devoid of merit.

9. A photocopy of this order be placed on file of connected case.

October 31, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No