

2025:PHHC:032638



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

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Date of decision: 19.03.2025

CWP-31455-2019 (O&M)

Jaspal Singh and others vs. State of Punjab and another

CWP-32068-2019 (O&M)

Jagwinder Kaur vs. State of Punjab and another

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.Vikas Chatrath, Advocate for the petitioner
in CWP-32068-2019.

Ms. Priyanka Chaudhary, Advocate for the petitioners
in CWP-31455-2019.

Mr. Amarpreet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together.

2. Prayer made in the present petitions is for directing the respondents to grant the benefit of regular as well as adhoc/89 days services rendered by the petitioners for the purpose of pay fixation being appointed after following due process of regular selection and for quashing orders dated 14.03.2017 and 10.01.2018, Annexures P-6 and P-7 respectively.

3. On 07.01.2025, this Court passed the following order:

“Learned Senior counsel while referring to the impugned order dated 14.03.2017, Annexure P-6 states that the subsequent developments, that had taken place, have not been taken into consideration, while passing the same, which include the decision in the case of Sandeep Kumari and Others vs. State of Punjab and Others, decided on 08.08.2013, wherein the petitioners were the respondents, relevant extract whereof read thus:

“.... This would necessarily mean that the petitioners in CWP Nos.10167 and 10745 of 2000 as well as in CWP No.11583 of 1999 who were either not given appointment and/or have been appointed temporarily under the interim

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directions of this Court, are also entitled to continue and/or entitled to be appointed on the selected posts, as the case may be, subject to their placement in the merit list. They shall also be entitled to seniority and notional pay fixation from the due date(s).”

In LPA-589-2015 titled as State of Punjab and Others vs. Kewal Singh, decided on 27.10.2016 also, it was held thus:

“As regard to the benefit of adhoc service towards pay fixation, no impediment either caused under the Rules or an Executive Policy has been pointed-out. Unless there is an embargo created by way of policy of rule for denying such benefit, the adhoc service followed by regular appointment without any break can be counted towards pay-fixation on regular appointment.”

Further that a similarly situated candidate, who though was appointed, pursuant to the subsequent advertisement of 1999 vide order dated 26.09.2012, Annexure P-9, was granted benefit of pay fixation as sought by the petitioner.

Learned State counsel prays for a short accommodation to obtain instructions for reconsidering of the matter.

Adjourned to 14.01.2025.

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

4. Time was sought on 14.01.2025 to comply with the aforesaid and even today, as such, without commenting on merits of the case, the respondents are directed to have a relook at the matter taking note of the aforesaid within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.
5. The matter stands disposed of accordingly and if the petitioners are found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to their interest, the same may be passed after granting opportunity of hearing to them and shall contain reasons, whereupon they shall be free to seek legal redress thereupon.
6. Photocopy of this order be placed on the connected file.

19.03.2025
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking : Yes/No

Whether reportable : Yes/No