



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

376(2)

CWP-33931-2019 (O&M)

Date of decision: 04.07.2025

Balwan Singh

..Petitioner

VERSUS

State of Haryana and others

...Respondents

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CWP-6138-2003 (O&M)

Date of decision: 04.07.2025

Zile Singh and others

..Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. K.G. Chaudhary, Advocate and
Mr. Sushane Puri, Advocate for the petitioner(s).

Mr. Ravinder Malik (Ravi), Advocate
for petitioner(s) No. 1, 6, 9 and 13 in CWP-6138-2003.

Ms. Shurti Jain Goyal, Sr. Deputy Advocate General, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Raising identical issues, both these writ petitions are being disposed of by a common order. A brief reference of the facts for disposal of these cases are extracted from **CWP-33931-2019** titled as '**Balwan Singh Vs. State of Haryana and others**'.
2. The prayer made in the present petition(s) is for issuance of a direction to the respondents to count the ad hoc/work-charged service, followed by regular service, for grant of additional increments to the



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petitioners upon completion of 8/18 years of service, as well as the higher standard pay scale upon completion of 10/20 years of service, in terms of Government instructions dated 15.03.2002. Reliance has also been placed on various precedent decisions rendered by this Court, including the judgment of the Division Bench in ***Hanumant Singh and others vs. State of Haryana and others***, reported as **2008(4) SCT 427**. The operative part of the above judgment relied upon by the learned counsel for the petitioners is extracted as under:-

“10. The following questions need to be answered, after hearing both sides:

- 1. Whether ad hoc service/work charged service, followed by regular service, can be counted for the purposes of grant of higher pay scale/benefit of Assured Career Progression on completion of 8/18 or 10/20 years of service ?*
- 2 Whether ad hoc service/work charged service, followed by regular service, can be counted for the purpose of grant of additional increment in the running scale on completion of 10/20 years or 8/18 years of service ?*
- 3 Whether ad hoc/ work charged service, followed by regular service, is to be counted for the purpose of pension and seniority ?*

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18. *The State Government has extended the benefit of work charged service followed by regular service for the purpose of grant of additional increment on completion of 8/18 years of service vide instructions dated 7.8.1992, keeping in view Ravinder Kumar's case (supra). However, the said benefit has been declined to the ad hoc service followed by regular service. The said distinction drawn by the Government is imaginary and is not in consonance with the authority in Ravinder Kumar's case (supra). Ad hoc service, followed by regular service, is as good as work charged service, followed by regular service. So, the said distinction does not stand the test of legal scrutiny.*

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22. *Therefore, in view of the above discussion, question No. 1, referred to above, stands answered against the petitioners whereas question Nos. 2 and 3 stand answered in favour of the petitioners and against the respondents and it is held as under:-*

- (a) *ad hoc/work charged service followed by regular service shall not be counted for the purposes of grant of higher pay scale/benefit of Assured Career Progression Scheme on completion of 8/18 or 10/20 years of service.*
- (b) *ad hoc/work charged service followed by regular*



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service shall be counted for the purposes of grant of additional increment in the running scale on completion of 10/20 or 8/18 years of service.

(c) *ad hoc service followed by regular service shall be counted for the purposes of pension and seniority.*

So, all these writ petitions stand disposed of with the above-said observations. The respondents are directed to fix the salary of the petitioners, after taking into account the above-said observations..”

3. Reliance is also placed on the order dated **03.09.2024** passed in **CWP-11498-2003** titled as ‘**Krishan Kumar Goel and others Vs. State of Haryana and others**’ wherein similar benefits have been extended to other employees by relying upon the judgment passed in the matter of ***Hanumant Singh and other (supra)***. The operative part thereof reads thus:-

“2. *The Division Bench of this Court vide order dated 25.07.2003 while issuing notice of motion, had stayed the recovery and on 26.09.2005, this petition was admitted and to be heard along with CWP-546-2003 titled as Mange Ram vs. State of Haryana and others, which stands decided in terms of the decision dated 04.07.2008 in CWP-7862-2006 titled as Hanumant Singh and others vs. State of Haryana and others, against which SLP filed and was dismissed on 10.05.2018 along with a batch of appeals with the lead case being CA No.321 of 2015, titled as State of Haryana and others vs.*



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Rajender Kumar and others, relevant paras of Hanumant Singh

(supra) read thus:-

"The following questions need to be answered, after hearing both sides.

- 1. Whether ad hoc service/work charged service, followed by regular service, can be counted for the purposes of grant of higher pay scale/benefit of Assured Career Progression on completion of 8/18 or 10/20 years of service?*
- 2. Whether ad hoc service/work charged service, followed by regular service, can be counted for the purpose of grant of additional increment in the running scale on completion of 10/20 years or 8/18 years of service?*
- 3. Whether ad hoc/ work charged service, followed by regular service, is to be counted for the purpose of pension and seniority?*

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The State Government has extended the benefit of work charged service followed by regular service for the purpose of grant of additional increment on completion of 8/18 years of service vide instructions dated 7.8.1992, keeping in view Ravinder Kumar's case (supra). However, the said benefit has been declined to the ad hoc service followed by regular service. The said distinction drawn by the Government is



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imaginary and is not in consonance with the authority in Ravinder Kumar's case (supra). Ad hoc service, followed by regular service, is as good as work charged service, followed by regular service. So, the said distinction does not stand the test of legal scrutiny.

The pay scales mentioned in circulars dated 14.5.1991 and 7.8.1992 were given to class 'C' and 'D' employees on completion of service mentioned in those circulars. In authority reported in Ravinder Kumar's case (supra), the Hon'ble Apex Court has held that the employees are entitled to count ad hoc/work charged service for the purposes of grant of additional increment after completion of 10/20 years of service or 8/18 years of service. However, the Apex Court in Haryana Veterinary and AHTS Association and others's case (supra), has categorically held that the employees are not entitled to count ad hoc service for the purpose of grant of higher scale/ACP scale. So, we are of the considered opinion that keeping in view the above-said authority, ad hoc service/work charged service has to be counted for the purpose of grant of additional increment after completion of 10/20 years of service or 8/18 years of service as detailed in the circular mentioned above. It is further held that the said ad hoc service/work charged service followed by regular service is also to be counted for the purpose of seniority and pension.



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So far as authority State of Rajasthan and others v. Farooq Ahmed and another, 2005(2) SCT 522:2005(2) Recent Services Judgments 721 is concerned, the same is distinguishable as in that authority itself, it has been mentioned that counting of ad hoc service depends upon the circular issued by the Government. The circulars issued by the State of Rajasthan are not same as that of circulars issued by the State of Haryana. The relevant portion is given as under:

"The Supreme Court in State of Haryana v. Haryana Veterinary & AHTS Association and another, 2000(4) SCT 664: 2000(8) SCC 4, held that service rendered on ad hoc basis will not be counted for grant of selection scale. A Division Bench, however, in State of Rajasthan v. Uma Shanker Agarwal & Ors., (D.B Civil Special Appeal No. 1142/2002) had distinguished the judgment of the Supreme Court and took the view that the period of ad hoc service rendered by an employee should be counted for the purpose of granting him selection scale. This view was taken on the ground that the Haryana Rules on the basis of which AHTS case was decided by the Supreme Court were different than the rules with which we are concerned. Two of us doubting the correctness of the view of the earlier Division Bench referred the matters to the Full Bench.



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This is how the matters have come up before us."

So far as reliance of petitioners on Civil Writ Petition No. 8833 of 1999 titled Hanumant Singh and others v. State of Haryana and another is concerned, that authority does not help the petitioners as in that case the writ petition was disposed of with the direction that the respondents shall decide the dispute of petitioners regarding seniority within four to six months.

The petitioners also cannot have any benefit of authority reported as Union of India v. Madras Telephone SC & ST Social Welfare Association, 2006(4) SCT 504: 2007(1) Recent Services Judgments 111 as no benefit has been given to any of the petitioners under the order of the Court. In the said authority, it has been laid down that any benefit given to the employee under the order of the Court cannot be taken away on account of change of law subsequently.

Therefore, in view of the above discussion, question No. 1, referred to above, stands answered against the petitioners whereas question Nos. 2 and 3 stand answered in favour of the petitioners and against the respondents and it is held as under:-

- (a) *ad hoc/work charged service followed by regular service shall not be counted for the purposes of grant of higher pay scale/benefit of Assured Career Progression Scheme on completion of 8/18 or 10/20*



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years of service.

(b) ad hoc/work charged service followed by regular service shall be counted for the purposes of grant of additional increment in the running scale on completion of 10/20 or 8/18 years of service.

(c) ad hoc service followed by regular service shall be counted for the purposes of pension and seniority.

So, all these writ petitions stand disposed of with the above-said observations. The respondents are directed to fix the salary of the petitioners, after taking into account the above-said observations."

3. The present petition is disposed of in terms of Hanumant Singh (*supra*)."

4. Learned counsel appearing on behalf of the petitioners further contends that, although the expression used in the appointment letters of the petitioners was "on contingent basis," this Court, while dealing with a similar matter pertaining to pension in relation to a Block Level Worker from the same department, in **CWP-17982-1997** titled as **Pyare Lal vs. State of Haryana**, decided on 15.10.2001, held that the benefit of service cannot be denied merely on the basis of a change in nomenclature, and that irrespective of the terminology used, the benefits had been extended.

5. Learned State counsel, on the other hand, contends that the petitioners are not entitled to the benefit as is being claimed since the



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judgment of the Division Bench in the matter of ***Hanumant Singh and others (supra)*** was subsequently considered by a learned Single Bench of this Court in ***CWP-6305-2009*** titled as ***Parmod Kumar and others vs. State of Haryana and others***, decided on 17.09.2018, and reported as **2018(4) PLR 818**. She placed reliance on the following paragraphs of the said judgment:-

“20. A careful reading of all the relevant schemes noticed above and the statutory Rules providing for time bound promotional increments and promotional pay scales and reproduced in the preceding paragraphs of the judgment show that the said schemes/Rules provide for these benefits i.e. additional increment, Higher Standard Pay Scale, ACP Scale on completion of a specified length of regular service. The expression which is recurrent in these schemes/Rules and the burden of the song played by them is the minimum requirement of ‘regular satisfactory service’ or ‘regular service’. Therefore, the intention of the Government that the service to be reckoned for the purpose for grant of these time bound promotional benefits is without doubt ‘regular service’ and not just ‘service’ so as to be inclusive of temporary, ad hoc or work charge service, and this plain meaning is clearly discernible through the thread of the concessions to ameliorate stagnation in service which was the accepted bane of efficiency in administration so that the will to work is not stifled. Once the



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Scheme or the Rules categorically provide for 'regular service', the same is to be taken as such without making any further interpolations or introducing interpretative processes more than what is required in the text and context of how the benefits work. This issue has been examined threadbare in Haryana Veterinary & AHTS Association, Punjab State Electricity Board and Sita Ram's case (supra) and therefore, is no longer res-integra. The issue regarding ad hoc service vis-à-vis seniority has been thrashed out and re-stated by the Supreme Court in Vijay Singh's case (supra) after noticing and considering the Judgment of the Division Bench in Hanumant Singh's case (supra) as well as the Court's earlier judgments on the issue.

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22. *The order has been passed in lead case i.e. Civil Appeal No.321 of 2015, State of Haryana and others v. Rajender Kumar and others. Rajender Kumar's case was part of the bunch of cases tagged with Hanumant Singh batch of petitions decided by the Division Bench of this Court. The petitioners rely heavily on this order on the question of seniority for clubbing period of ad hoc service with period spent after they were brought on regular establishment on regularization. However, it is apparent that the attention of the Supreme Court was not drawn on the issue of seniority to its afore-mentioned judgments dealing with one of the issues under*



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consideration while the counsel ought to have referred to them in extenso as they covered the ground and properly assisted the Supreme Court on additional increments and seniority issues. It may be reiterated that this Court in Hanumant Singh case had declined relief to the petitioners on question (1) (supra) and the answer holds the field. However, on the question of seniority, though granted, there is no discussion whatsoever in the judgment of this Court in Hanumant Singh case on the point and the judgment appears to be, with great respect, per incurium. Therefore, the crucial question arises as to the effect of dismissal of State appeal on the issue of seniority qua the present petitioners working in different departments clamouring for adding ad hoc/work-charged/temporary service which may make them steal a silent march over regular recruits who are not parties before the court but are likely to be affected in the matter of their seniority behind their backs and without a reasonable opportunity of hearing given to them. And on this ground the petitions in which private persons are not made party are liable to be dismissed.

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26. *With the dismissal of the appeal on 10th May, 2018 in Rajender Kumar's case, the order and the judgment of the High Court merged with the order of the Supreme Court and is res judicata inter se the parties and therefore, it would*



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tantamount to the law of the land under Article 141 of the Constitution of India. The State of Haryana is bound by the order respecting the respondents in the Civil Appeals, even though the orders are non-speaking. However, the present petitioners were not parties to those proceedings. The view of the Division Bench in Harbans Singh's case represented in the Supreme Court in Rajender Kumar's case, as part of the bunch on the point that ad hoc/work-charged service followed by regular service will not count for the purposes of higher standard pay scale and benefit of ACP Scheme on completion of the specified period has been in the negative, and therefore, it is against the present petitioners. There is no difficulty with regard to pension as that right exists in the present petitioners for clubbing ad hoc/work-charged service with regular service. However, a difficulty arises in the case of additional increments and seniority. As far as the additional increments is concerned, the order of the Supreme Court in State of Haryana v. Ravinder Singh has been distinguished by different view taken by subsequent Supreme Court judgment in Jagjiwan Ram's case taking a contrary view. Jagjiwan Ram's case was delivered by a Bench comprising two Hon'ble Judges of the Supreme Court, and although it was a Punjab matter, but the Haryana Government policy had suffered modification as right to additional increments introduced the expression "regular



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satisfactory service” for grant of additional increments above the usual annual increments on completion of 8/18 years of regular service instead of 10/20 years of service. The Division Bench in Hanumant Singh’s case applied the order in State of Haryana v. Ravinder Singh which has been distinguished in Jagjiwan Ram’s case. In both the States of Punjab and Haryana, the provisions of the grant are in pari materia and should bear the same judicial stamp.

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42. *All the present petitions have been filed almost two decades after the petitioners became members of their respective services. During the interregnum the rights of other employees vis-a-vis seniority have settled/ crystallized. Therefore, inordinate delay is more often than not fatal to claims of seniority. The law on the subject of delay and laches in service matters relating to seniority has been culled out and reviewed by the Supreme Court in Shiba Shankar Mohapatra v. State of Orissa, (2010) 12 SCC 471 noticing its past precedents in the following words :-*

“18. The question of entertaining the petition disputing the long-standing seniority filed at a belated stage is no more res integra. A Constitution Bench of this Court, in Ramchandra Shankar Deodhar v. State of Maharashtra considered the effect of delay in challenging the



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promotion and seniority list and held that any claim for seniority at a belated stage should be rejected inasmuch as it seeks to disturb the vested rights of other persons regarding seniority, rank and promotion which have accrued to them during the intervening period. A party should approach the court just after accrual of the cause of complaint. While deciding the said case, this Court placed reliance upon its earlier judgments, particularly in Tilokchand Motichand v. H.B. Munshi, wherein it has been observed that the principle on which the court proceeds in refusing relief to the petitioner on the ground of laches or delay, is that the rights, which have accrued to others by reason of delay in filing the writ petition should not be allowed to be disturbed unless there is a reasonable explanation for delay. The Court further observed as under: (Tilokchand case, SCC p. 115, para 7)

“7. ... The party claiming fundamental rights must move the Court before other rights come into existence. The action of courts cannot harm innocent parties if their rights emerge by reason of delay on the part of the person moving the Court.”

19. This Court in Ramchandra Shankar Deodhar case also placed reliance upon its earlier judgment of the



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*Constitution Bench in Rabindranath Bose v. Union of India, wherein it has been observed as under:
(Rabindranath Bose case, SCC p. 97, para 33)*

“33. ... It would be unjust to deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be set aside after the lapse of a number of years.”

20. In R.S. Makashi v. I.M. Menon this Court considered all aspects of limitation, delay and laches in filing the writ petition in respect of inter se seniority of the employees. The Court referred to its earlier judgment in State of M.P. v. Bhailal Bhai, wherein it has been observed that the maximum period fixed by the legislature as the time within which the relief by a suit in a civil court must be brought, may ordinarily be taken to be a reasonable standard by which delay in seeking the remedy under Article 226 of the Constitution can be measured. The Court observed as under: (R.S. Makashi case, SCC pp. 398-400, paras 28 & 30).

“28. ... ‘33. ... we must administer justice in accordance with law and principles of equity, justice and good conscience. It would be unjust to



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deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be set aside after the lapse of a number of years. ...'

* * *

30. ... The petitioners have not furnished any valid explanation whatever for the inordinate delay on their part in approaching the court with the challenge against the seniority principles laid down in the Government Resolution of 1968. We would accordingly hold that the challenge raised by the petitioners against the seniority principles laid down in the Government Resolution of 22-3-1968 ought to have been rejected by the High Court on the ground of delay and laches and the writ petition insofar as it related to the prayer for quashing the said Government Resolution should have been dismissed."

21. The issue of challenging the seniority list, which continued to be in existence for a long time, was again considered by this Court in K.R. Mudgal v. R.P. Singh. The Court held as under: (SCC pp. 532 & 536, paras 2 & 7)



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“2. ... A government servant who is appointed to any post ordinarily should at least after a period of 3 or 4 years of his appointment be allowed to attend to the duties attached to his post peacefully and without any sense of insecurity. ...

7. ... Satisfactory service conditions postulate that there should be no sense of uncertainty amongst the government servants created by writ petitions filed after several years as in this case. It is essential that anyone who feels aggrieved by the seniority assigned to him should approach the court as early as possible as otherwise in addition to the creation of a sense of insecurity in the minds of the government servants there would also be administrative complications and difficulties. ... In these circumstances we consider that the High Court was wrong in rejecting the preliminary objection raised on behalf of the respondents to the writ petition on the ground of laches.”

22. While deciding K.R. Mudgal case, this Court placed reliance upon its earlier judgment in Malcom Lawrence Cecil D’Souza v. Union of India, wherein it had been observed as under: (Cecil D’Souza case, SCC p.



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602, para 9)

“9. Although security of service cannot be used as a shield against administrative action for lapses of a public servant, by and large one of the essential requirements of contentment and efficiency in public services is a feeling of security. It is difficult no doubt to guarantee such security in all its varied aspects, it should at least be possible to ensure that matters like one’s position in the seniority list after having been settled for once should not be liable to be reopened after lapse of many years at the instance of a party who has during the intervening period chosen to keep quiet. Raking up old matters like seniority after a long time is likely to result in administrative complications and difficulties. It would, therefore, appear to be in the interest of smoothness and efficiency of service that such matters should be given a quietus after lapse of some time.”

23. *In B.S. Bajwa v. State of Punjab* this Court while deciding the similar issue reiterated the same view, observing as under: (SCC p. 526, para 7)

“7. ... It is well settled that in service matters the question of seniority should not be reopened in



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such situations after the lapse of a reasonable period because that results in disturbing the settled position which is not justifiable. There was inordinate delay in the present case for making such a grievance. This alone was sufficient to decline interference under Article 226 and to reject the writ petition.”

(emphasis added)

24. *In Dayaram A. Gursahani v. State of Maharashtra, while reiterating the similar view this Court held that in absence of satisfactory explanation for inordinate delay of 8-9 years in questioning under Article 226 of the Constitution, the validity of the seniority and promotion assigned to other employee could not be entertained.*

25. *In P.S. Sadasivaswamy v. State of T.N. this Court considered the case where the petition was filed after a lapse of fourteen years challenging the promotion. However, this Court held that the aggrieved person must approach the Court expeditiously for relief and it is not permissible to put forward stale claim. The Court observed as under: (SCC p. 154, para 2)*

“2. ... A person aggrieved by an order promoting a junior over his head should approach the Court at least within six months or at the most a year of



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such promotion.”

The Court further observed that it was not that there was any period of limitation for the courts to exercise their powers under Article 226 nor was it that there could never be a case where the courts cannot interfere in a matter after certain length of time. It would be a sound and wise exercise of jurisdiction for the courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the court to put forward stale claim and try to unsettle settled matters.

26. *A similar view has been reiterated by this Court in Sudama Devi v. Commr.; State of U.P. v. Raj Bahadur Singh and Northern Indian Glass Industries v. Jaswant Singh.*

27. *In Dinkar Anna Patil v. State of Maharashtra this Court held that delay and laches in challenging the seniority is always fatal, but in case the party satisfies the Court regarding delay, the case may be considered.*

28. *In K.A. Abdul Majeed v. State of Kerala this Court held that seniority assigned to any employee could not be challenged after a lapse of seven years on the ground that his initial appointment had been irregular, though*



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even on merit it was found that seniority of the petitioner therein had correctly been fixed.

29. *It is settled law that fence-sitters cannot be allowed to raise the dispute or challenge the validity of the order after its conclusion. No party can claim the relief as a matter of right as one of the grounds for refusing relief is that the person approaching the court is guilty of delay and the laches. The court exercising public law jurisdiction does not encourage agitation of stale claims where the right of third parties crystallises in the interregnum. (Vide Aflatoon v. Lt. Governor of Delhi; State of Mysore v. V.K. Kangan; Municipal Council, Ahmednagar v. Shah Hyder Beig; Inder Jit Gupta v. Union of India; Shiv Dass v. Union of India; A.P. SRTC v.N.Satyanarayana and City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla).*

30. *Thus, in view of the above, the settled legal proposition that emerges is that once the seniority had been fixed and it remains in existence for a reasonable period, any challenge to the same should not be entertained. In K.R. Mudgal, this Court has laid down, in crystal clear words that a seniority list which remains in existence for 3 to 4 years unchallenged, should not be disturbed. Thus, 3-4 years is a reasonable period for*



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challenging the seniority and in case someone agitates the issue of seniority beyond this period, he has to explain the delay and laches in approaching the adjudicatory forum, by furnishing satisfactory explanation.”

43. *For what has been discussed above, it is held that:-*

(i) The petitioners are not entitled to count their period of ad hoc/work-charged/temporary service towards seniority in the cadre before the date they were regularized and became members of service for the first time in terms of the relevant policies of State Government.

(ii) The petitioners are not entitled to benefit of Additional Increments for the period of their ad hoc/work-charged service on completion of 8/18 years of service as well as 10/20 years, since such period does not qualify as regular satisfactory service as per modified scheme dated August 7, 1992.

(iii) Similarly, the petitioners are not entitled to the benefit of financial upgradations of Higher Standard Scale or to the Assured Career Progression Scales for the period of their ad hoc/work charge/temporary service etc. Only regular service rendered satisfactorily counts for claiming rights to these monetary benefits strictly as per the provisions of these schemes.”

6. She contends that the period of service rendered by the



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petitioners on a contingent basis thus cannot be taken into consideration for the purpose of grant of additional increments upon completion of 8/18 years of service, nor for the grant of higher standard pay scale after completion of 10/20 years of service, as per the Government instructions dated 15.03.2002.

7. Responding to the above, learned counsel for the petitioners contends that the said judgment would not be applicable to the petitioners herein, as they are not claiming the benefit of higher pay scale or assured career progression on completion of 8/18 or 10/20 years of service, which was Question No.1 in the case of ***Hanumant Singh and others (supra)***. Rather, the petitioners are only claiming entitlement to the counting of the said period for the grant of additional increments in the running scale upon completion of 10/20 years and 8/18 years of service. It is further contended that even in the judgment of ***Parmod Kumar and others (supra)***, it has not been held that the decision in ***Hanumant Singh and others (supra)*** is not good law even though reference is made to various judgments of the Hon'ble Supreme Court wherein ***Hanumant Singh and others (supra)*** was distinguished.

8. No other argument has been raised or judgment has been cited.

9. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition or referred during arguments with their able assistance.

10. Learned counsel appearing on behalf of the respondent(s)-State has placed emphatic reliance on the judgment rendered in the matter of ***Parmod Kumar and others (supra)***, wherein the instructions dated



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07.08.1992 have been interpreted and it has been held that regular satisfactory service is a necessary condition for claiming benefits under the said scheme, and that service rendered on a work-charged/ad hoc basis cannot be treated as qualifying service for the grant of benefits under the policy/instructions dated 07.08.1992. However, at the same time, it is pertinent to mention that after the judgment in the matter of **Ravinder Kumar** the respondent-State had issued Office Memorandum dated 15.03.2002, further clarifying the scope and operation of the scheme dated 07.08.1992. The decision of the Govt. is extracted as under:-

“Keeping in view that the state Government has exhausted all remedies available under the law and the ratio of judgments referred to above, the Government has decided to implement the orders of the Hon'ble Punjab & Haryana High Court and the Hon'ble Supreme Court of India. Accordingly, in super-session of all instructions issued in this behalf hereinbefore, all the departments are directed to take action as follows:-

i) *The ad-hoc service is not to be counted towards regular service for the purpose of calculation of prescribed length of service for the grant of additional increments on completion of 8/18 years service under the scheme introduced vide Government letter dated 7.8.1992, the Scheme introduced by the Government for Engineers of PWD (three wings) and Doctors vide Government Instructions dated 2.6.89 read with*



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clarificatory instructions dated 16.5.90 and the higher standard scales under the scheme of Higher Standard Scales introduced for group 'C' & 'D' employees introduced vide letter dated 8.2.1994 but effective from 1.1.94.

ii) That the service rendered on work-charged basis followed by regular service which count for the purposes of increments in the cadre as well as qualifying service for pension, the same is to be taken into account for the purpose of calculation of prescribed length of service under the scheme of additional increments on completion of service of 8/10 years service implemented vide Government instructions dated 7.8.1992 and for grant of higher standard scales on completion of 10/20 years service under the Scheme of Higher Standard Scales introduced by the Government vide letter dated 8.2.1994 in compliance of the orders of the Hon'ble Supreme Court of India in Ravinder Kumar's case.

Provided that the said benefits may be granted on notional basis on the relevant date(s) but the actual payment of arrears shall be confined to a period of 30 months prior to the issuance of these instructions. However, in cases where the requisite benefit has been granted by the Hon'ble Punjab & Haryana High Court, the payment of arrears be allowed to the petitioners In such cases for a period of 38 months prior to the date of filing of civil writ petitions by then or the date of



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introduction of relevant scheme whichever is later. Further, in case there are specific directions by the Hon'ble Court in a given case to pay arrears for more than 30 months period, then the payments be made as per specific directions only. Other terms and conditions of the schemes shall remain unchanged.

iii). It may be please be ensured that the work charged service shall be countable towards the benefit of additional increments under the scheme Introduced vide Government instructions dated 7.8.1992 and for Higher Standard Scales under the scheme introduced vide instructions dated 8.2.1994.”

11. It is thus evident that the State Government had itself issued a clarification vide the aforesaid Office Memorandum dated 15.03.2002, which has, undisputedly, not been considered in the judgment rendered in ***Parmod Kumar and others*** (supra). There is nothing on record on the basis whereof it may be assumed that, consequent upon the subsequent judgment of the Hon'ble Supreme Court in the matter of *Jagjiwan Ram's*, as referred to in ***Parmod Kumar and others*** (supra), the Office Memorandum dated 15.03.2002 had, in any manner, been withdrawn or modified. Thus, this Court has no material on the basis whereof it may hold that, notwithstanding the clarification issued by the respondent-State itself to the scheme dated 07.09.1982 vide Office Memorandum dated 15.03.2002, the original document is yet to be read in isolation and ignoring such clarification. In doing so, this Court would be required to completely disregard the modification carried out in the said scheme by the State Government itself.



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While the interpretation of the memo dated 07.08.1992, in the matter of ***Parmod Kumar and others (supra)*** may carry weight, however, the instructions issued by the respondent-State on 15.03.2002 paves way for the claim to be laid legitimately to the benefits granted in the judgment of ***Ravinder Kumar and Hanumant Singh and others (supra)***.

12. The said modification thus became applicable to the employees and the same is primarily in compliance of the directions given by the Division Bench of this Court in the matters of ***Hanumant Singh and others (supra)*** and ***Ravinder Kumar***. It is in these circumstances that the learned Single Judge placed reliance upon the judgments in ***Hanumant Singh and others (supra)*** and ***Ravinder Kumar*** while passing the order dated 03.09.2024 in CWP-11498-2003 titled as ‘**Krishan Kumar Goel and others Vs. State of Haryana and others**’. It is also noted from the Court server that no appeal has been preferred by the respondent-State against the above said order. Hence, considering the matter from either perspective, this Court has no option but to dispose of both these writ petitions in terms of the judgment in ***Hanumant Singh and others (supra)*** as reiterated in the matter of ***Krishan Kumar Goel and others (supra)***.

13. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

04.07.2025
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No