

**CWP-33222-2024 & connected matter****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****108 (2 cases)****Date of Decision: 10.02.2025****CWP-33222-2024****Nityanand Yadav****...Petitioner(s)****Versus****State of Haryana and others****...Respondent(s)****With****CWP-33224-2024****Ramesh Chander****...Petitioner(s)****Versus****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Umesh Narang, Advocate, and
Mr. Chandra Sekhar, Advocate for the petitioner(s)

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

These petitions have been filed on similar facts raising identical issue for consideration, i.e., whether the petitioners are entitled to additional increment on completion of ten/twenty years of service by counting *ad hoc* service rendered by them prior to regularisation. For brevity, facts are being taken from CWP-33222-2024.

2. The petitioner was appointed as S.S. Master on *ad hoc* basis on 12.02.1972, and was regularised in service with effect from 01.01.1980. Initially, he was granted one increment on the basis of *ad hoc* service rendered prior to regularisation, the benefit was, however, withdrawn in terms of

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government instructions dated 15.03.2002 and 23.04.2003, vide office order dated 01.07.2006, Annexure P-5. The petitioner approached this Court by filing CWP-20679-2008, which was disposed of directing the respondents to consider his representation. Thereupon order, dated 02.09.2009, was passed by the respondent declining his claim for increment by counting *ad hoc* service on the ground that the instructions, dated 15.03.2002 and 23.04.2003, do not permit grant of such benefit. The order also recorded that the judgment rendered by this Court in CWP-7862-2006 titled *Hanumant Singh and others v. State of Haryana and others*, cannot be a basis to claim the benefit, since the aforementioned instructions were never challenged therein.

2.1. The petitioner again approached this Court on the ground that State's SLP against the judgment in *Hanumant Singh* case had been dismissed by the Supreme Court vide order dated 10.05.2018. His representation, however, was rejected by the respondents vide impugned speaking order, dated 28.05.2024, on the ground that as per settled law in *State of Haryana v. Haryana Veterinary & AHTS Association and another*, (2000) 8 SCC 4, *ad hoc* service is not to be counted for any service benefit, including seniority, additional increment, higher standard pay scale, etc.

3. Learned counsel for the petitioner is not in a position to dispute the law laid down in *Haryana Veterinary & AHTS Association* case and its applicability to the facts of the instant case. It also needs to be noted that the issue of granting additional increments on the basis of *ad hoc* service rendered prior to regularisation was again considered by a coordinate Bench in CWP-6305-2009 titled *Parmod Kumar and others v. State of Haryana and others*, wherein after considering the entire law on the subject it was held that the benefit of additional increments based upon *ad hoc*/work-charge service on



completion of eight/eighteen years of service, as well as ten/twenty years of service, was not admissible. A Division Bench of this Court in CWP-24838-2014 titled *Om Parkash Kashyap v. State of Haryana and others*, also reiterated the view by holding as under:

We have gone through the impugned order and the reasoning given by the competent authority to reject the claims so made by the petitioner. We find no error in the reasoning so given either in fact or in law. No worthwhile argument was made by the petitioner to persuade us to interfere in the well reasoned and speaking order passed by the competent Authority. The order impugned before us is based by the competent Authority on the settled position of law that adhoc service cannot be considered towards the grant of additional increments on completion of 8/18 years of service, particularly when the Rules specifically provide that only regular service would be counted for the above purpose. So far as the claim with regard to grant of increments with higher academic qualification while in service was concerned, we find that for this claim, the petitioner has, neither before the competent Authority nor before us, shown any instructions or Rules to support such claim made by him.

- 4. In view of the settled law as aforementioned, there is no ground to entertain the petitions, and the same stand dismissed.
- 5. A photocopy of this order be placed on connected file.

(TRIBHUVAN DAHIYA)
JUDGE

10.02.2025
Payal

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