

2026:PHHC:020020



201.

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

RSA-1773-1997

Date of decision: 10.02.2026

Punjab State Electricity Board, Patiala

.... Appellant

Versus

Balkar Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Charan Jit Sharma, Advocate, for the appellant
(through Video Conferencing).

Mr. Gurvinder Pal Singh, Advocate, for
Mr. P.S. Khurana, Advocate, for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been preferred by the defendant against the judgment and decree dated 18.01.1997 passed by the Lower Appellate Court whereby the judgment and decree dated 25.07.1996 passed by the Trial Court, in a suit for declaration filed by the respondent-plaintiff, has been accepted.

2. The parties to the *lis* hereinafter shall be referred to as per their original position before the learned Trial Court.

3. Briefly stated, the plaintiff filed a suit for declaration to the effect that he is entitled to get seniority from the date of his joining the duty in the Board on 18.06.1976 instead of 10.10.1980 i.e. the date of regularization of his services, and that the decision of the defendants to

count the service of the plaintiff from 10.10.1980 for the purpose of seniority and promotion is illegal, ultra virus and without jurisdiction.

4. Admittedly, the plaintiff was appointed on adhoc basis as L.D.C. on 18.06.1976 and his services were regularized on 10.10.1980. The suit filed by the plaintiff claiming the benefit of adhoc service towards seniority and promotion was dismissed by the learned Trial Court, vide its judgment and decree dated 25.07.1996. However, the appeal preferred by him was accepted by the Lower Appellate Court, vide its judgment and decree dated 18.01.1997 while relying upon the judgment of this Court in ***Malook Singh and others Versus State of Punjab, 1992(2) SCT 133.***

5. The view taken in the judgment of ***Malook Singh's case (supra)*** has already been reversed by the Hon'ble Supreme Court in ***Malook Singh and others Versus State of Punjab and others, 2021(4) SCT 305.*** To the same effect is the another judgment of Hon'ble Supreme Court in ***Rashi Mani Mishra and others Versus State of Uttar Pradesh and others, 2021(3) SCT 518*** wherein it has been held that the adhoc service is not countable towards seniority and promotion.

6. Faced with this situation, learned counsel for the respondent submits that he may be permitted to withdraw the original suit and liberty may be granted to submit a representation to the appellant for counting the adhoc service for the purpose of pensionary benefits, in view of the provisions of Rule 3.17-A of the Punjab Civil Services Rules, Volume II.

He further submits that the respondent has already retired from service on attaining the age of superannuation on 31.07.2007.

7. Learned counsel for the appellant has no objection to the prayer made by learned counsel for the respondent.

8. In this view of the matter, the respondent-plaintiff is permitted to withdraw the suit and liberty is granted to submit a representation to the defendant-appellant for counting his adhoc service for the purpose of pensionary benefits.

9. If any such representation is submitted by the respondent-plaintiff within a period of four weeks from today, the same shall be considered and disposed of by the appellant-Board (now PSPCL), in accordance with the law, within a period of three months thereafter.

10. Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

10.02.2026
sanjeev

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