

2026.PHHC:015729



204.

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

RSA-1863-1997

Date of decision: 03.02.2026

Punjab State Electricity Board

.... Appellant

Versus

Vishwa Mitter

.... Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Roshan Lal Sharma, Advocate, for the appellant.

Mr. Rajesh Bhatheja, Advocate, for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been preferred by the Punjab State Electricity Board impugning the judgments passed by the courts below whereby the claim of the plaintiff-respondent for counting his ad hoc service from 04.11.1977 to 30.08.1982 has been directed to be treated as a regular service and he has been held entitled to all the benefits, privileges with regard to the emoluments, seniority and promotion from the date of his initial appointment.

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

3. Briefly stated, the facts of the case as have been pleaded are that the plaintiff filed a suit for declaration to the effect that he is entitled to all the benefits of his ad hoc service rendered by him w.e.f. 04.11.1977 to

30.08.1982 and that the said period be treated as regular service and he is also entitled to all the other benefits with regard to emoluments, seniority, promotion from the date of his initial appointment. It was pleaded that the respondent-plaintiff was initially appointed as an Apprentice Clerk on 29.10.1976 and his services were regularized vide order dated 30.08.1982. He made representations to the defendant-Board to grant him the benefit of seniority and promotion by counting the period of service rendered by him w.e.f. 04.11.1977 to 30.08.1982 by counting his temporary/ad hoc service towards regular service. As no decision was taken on the said representations, the plaintiff was constrained to institute the civil suit claiming the abovesaid benefits. Both the courts below, accepted the claim of the plaintiff and held him entitled to all the benefits for his ad hoc service rendered from 04.11.1977 to 30.08.1982. The said judgments/decrees passed by the courts below have been impugned in the instant Regular Second Appeal.

4. Learned counsel for the appellant has argued that the judgments of the learned Trial Court and the First Appellate Court deserves to be set aside as the services rendered by the respondent-plaintiff w.e.f. 04.11.1977 to 30.08.1982 for grant of benefit of ad hoc service rendered by the respondent-plaintiff for the purpose of seniority and promotion is not only contrary to the rules governing the service but also contrary to the settled principles of law settled by the Hon'ble Supreme Court. He has further submitted that the posting of the plaintiff was temporary and the

Board is not liable to give any such benefits to the plaintiff as has been claimed, in the present Regular Second Appeal.

5. *Per contra*, learned counsel for the respondent-plaintiff submits that once the respondent-plaintiff continued working without any break from 04.11.1977 to 30.08.1982 when his services were regularised, the period of ad hoc service cannot be ignored for the purpose of grant of benefit of seniority and other benefits, hence the courts below have rightly granted the said benefit of seniority and promotion to the respondent-plaintiff and the same is liable to be upheld.

6. I have heard learned counsel for the parties and have gone through the record.

7. It is a well settled proposition of law that ad hoc service cannot be treated as a regular service for the purpose of seniority and promotion, though the same is countable towards pensionary benefits. Reference may be made to the judgment of the Hon'ble Supreme Court in ***Malook Singh and others Versus State of Punjab and others, 2022(17) SCC 765***, which has been followed by this Court in ***Satnam Singh Beldar and others Versus State of Punjab and others, 2024(5) SLR 238; State of Punjab and others Versus Ajit Kaur, 2024 NCPHHC 44509***.

8. Keeping in view the facts and circumstances as recorded hereinbefore, the findings recorded by the courts below to the effect that the ad hoc service rendered by the plaintiff-respondent is countable towards seniority and promotion, is hereby reversed being perverse to the settled

principle of law. However, the respondent-plaintiff shall be entitled to count the said ad hoc service only for the purpose of pensionary benefits.

9. Disposed of in the above terms.

(NAMIT KUMAR)
JUDGE

03.02.2026
sanjeev

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