

SUPREME COURT OF INDIA

State of Punjab

Vs.

Ishar Singh

C.A.No.6526 of 1998

(D.P. Mohapatra and Doraiswamy Raju JJ.)

20.02.2001

ORDER

1. The State of Punjab represented by the Secretary, Department of Agriculture and the Director of Horticulture, Punjab filed this civil appeal challenging the judgment/order of the High Court of Punjab and Haryana allowing the writ petitions filed by the respondents, directing the appellants herein to consider the cases of the respondents by counting ad hoc service rendered by them for the purpose of fixation of their pay in the revised scales of pay and grant them senior and selection grade, proficiency step-up and seniority on that basis.

2. The respondents were initially appointed as Horticulture Inspectors on ad hoc basis without following the procedure laid down in the Recruitment Rules. Subsequently their services were regularised and orders appointing them on regular/substantive basis were issued. The appointments of the respondents (ad hoc and regular) were made prior to 1-9-1989. The question for consideration is whether the ad hoc service rendered by them is to be included for the purpose of calculating 8 or 18 years' service which is required for giving them the higher scale of pay under the proficiency step-up scheme for seniority etc. This question was considered by this Court in the case of State of Haryana v. Haryana Veterinary & AHTS Assn., which a three-Judge Bench of this Court held that the ad hoc service rendered by the employees is not to be included for the purpose of calculating 8/18 years of service; only regular service is to be counted for the purpose.

3. On consideration of the facts and circumstances of this case we are satisfied that the decision in State of Haryana v. Haryana Veterinary & AHTS Assn. case is applicable to this case.

4. Accordingly the appeal is allowed and the judgment/order passed by the High Court under challenge is set aside.

5. However, we make it clear that if any of the respondents has drawn any amount on the basis of the higher scale of pay granted to him taking into account the ad hoc service then such amount already drawn by the employee shall not be recovered, though his cadre

seniority and other consequential benefits will be governed by the decision rendered herein.
No cost. Civil Appeal No. 6523 of 1998

6. In view of the order passed in Civil Appeal No. 6525 of 1998 and the decision of this Court in State of Haryana v. Haryana Veterinary & AHTS Assn. this appeal being devoid of merit is dismissed. No cost.