



CM-9921-CWP-2025 in/& -1-
RA-CW-299-2025 in
CWP-20177-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113 CM-9921-CWP-2025 in/&
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CWP-20177-2017
Date of Decision :21.07.2025

Ajaib Singh and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suvir Sidhu, Advocate for review applicants-petitioners.

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Harsimran Singh Sethi, J. (Oral)

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Present application has been filed for condonation of delay of 23 days in filing the present review application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 23 days in filing the present review application is condoned.

RA-CW-299-2025

1. Present review application has been filed for the review of order dated 05.04.2025 (Annexure A-1) passed by this Court on the ground that judgment of the Hon'ble Supreme Court of India in **Civil Appeal No.13423-1996 titled as State of Haryana. vs. Haryana Veterinary and A.H.T.C. Association, decided on 19.09.2000**, which judgment has been relied upon



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to dismiss the claim of the petitioners, is not applicable so as to consider the claim of the petitioners for the grant of benefit of Assured Career Progression Scheme.

2. Learned counsel for the review applicant-petitioners submits that the judgment in *Haryana Veterinary (supra)* is only applicable in the case of direct recruits and not in the case of promotees whereas the applicant-petitioners were given adhoc promotion to the post of Sub-Divisional Engineer against the quota meant for direct recruits and thereafter, their services were regularized hence, once they continued working without interruption on the post of Sub-Divisional Engineer, they are entitled for the grant of benefit of promotion to the post of Sub Divisional Engineer from the date of their initial promotion i.e. on temporary basis and also the benefit of ACP by counting the temporary promotion as Sub-Divisional Engineer.

3. I have heard learned counsel for the applicants-petitioners and have gone through the record with his able assistance.

4. It may be noticed that judgment in *Haryana Veterinary (supra)* is with regard to issue as to whether, temporary service rendered by an employee prior to the regularization of his/her services or regular appointment is to be taken into account for computing the benefit admissible under the Assured Career Progression Scheme or not.

5. As per the judgment in *Haryana Veterinary (supra)*, adhoc service rendered by an employee cannot be taken into account for the grant of benefit of ACP and only the regular service rendered in the cadre in



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which an employee has worked can be taken into account for the grant of benefit of ACP and the learned counsel for the applicants-petitioners has not been able to dispute the said fact.

6. The only argument which has been raised by the learned counsel for the applicant-petitioners is that the petitioners continued working on the post in question till their services were regularized hence, the temporary service rendered by them is liable to be taken into account for counting 08 years of service rendered for the grant of benefit of ACP.

7. In this regard, it may be noticed that the services rendered on temporary basis by a promotee against the post in direct quota is not to be taken into account for any purpose including the seniority or the ACP. Once, the seniority cannot be given to the petitioners for a particular period including the period of their temporary appointment, the grant of benefit of ACP by counting such service, cannot be made admissible. In case, the benefit of the temporary appointment is to be taken into account for the grant of benefit of ACP, an anomaly will arise as, there can be a situation where an employee has rendered temporary service of 08 years before his/her regularization and on becoming part of the cadre, will claim the benefit of ACP without actually being the part of the said cadre. Such employee cannot claim stagnation even on the first day of his/her regular appointment to claim the benefit of ACP. Further, it will also create an anomaly where, after the temporary appointment, as in this case also, the direct recruits were selected to the post of Sub Divisional Engineer, the direct recruits will only get the benefit of ACP on completion of 08 years of service and the



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petitioners whose services were regularized after appointment of direct recruits will claim the said benefit much prior to their senior despite being junior, which is also not permissible. Hence, the reasons given to review the order dated 05.04.2025 (Annexure A-1) passed by this Court are incorrect and the same cannot be accepted.

8. Keeping in view the facts and circumstances recorded hereinbefore, no ground to allow the present review application is made out and the same is accordingly dismissed.

July 21, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No