



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

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Date of Decision: 19.08.2025

1) CWP-9503-2020

KULDEEP YADAV

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

2) CWP-14494-2020

CHARANJIT KAUR AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Vishal Verma, Advocate for
Mr. Prateek Gupta, Advocate
for the petitioner(s).

Dr. Neha Awasthi, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

These petitions are based upon similar facts involving common issues, accordingly, the same are being decided together. For brevity, the facts have been taken from CWP-9503-2020.

2. The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to treat the petitioner in regular service as Lecturer in Geography with effect from the date of his *ad hoc* appointment or from 31.01.1996, the date from which his juniors in *ad hoc* service were regularised, and grant the consequential benefits.

3. Learned counsel for the petitioner(s) contends that the petitioners' cases are squarely covered by the judgment dated 09.09.2010,



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rendered in CWP-8604-2007 titled *Dr. Surindra Kumar Mishra and others v. State of Haryana and another*, against which LPA-886-2021 has been dismissed by the Division Bench vide judgment dated 13.10.2011, and the same has been upheld by the Supreme Court in SLP (Civil) no.321 of 2015, vide order dated 10.05.2018. He also contends that the petitioners' *ad hoc* service has already been counted by the respondents to provide senior scale of pay, therefore, they are entitled to the claimed relief.

4. Learned State counsel, however, contends that the petitioners' cases are not covered by the judgment relied upon, as their appointment on *ad hoc* basis was not in accordance with the Rules and was simply a stop gap arrangement just to meet out the urgent requirements of the College concerned. Besides, they have been appointed in Government service after fresh selection in terms of the Haryana Education (College cadre) Group B Service Rules, 1986, and cannot be considered in regular service from any date prior to their appointment in the Department.

5. Heard.

6. This Court vide judgment in *Dr. Surender Kumar Mishra* case, directed the respondents to count *ad hoc* period of service rendered by the petitioners therein towards seniority, and also held them entitled to all consequential benefits. In case the petitioners are held entitled to seniority and consequential benefits from the date of their *ad hoc* appointment, the existing seniority position would be disturbed and the persons who have been appointed with effect from 12.01.1994, i.e., after the petitioners' appointment on *ad hoc* basis till their joining the Department on regular basis, would become juniors. Accordingly, it will lead to change in seniority positions of other teachers, who are undisputedly senior to the petitioners in the seniority



list. And without hearing such affected parties, the prayer cannot be granted as it will be in violation of the Principles of Natural Justice. It is settled law that claim for re-determination of seniority cannot be entertained in the absence of all the affected parties having been impleaded before the Court. In this regard, a reference can be made to law laid down by the Supreme Court in *Vijay Kumar Kaul and others v. Union of India and others*, (2012) 7 SCC 610, relevant paragraph of the judgment is as under:

36. Another aspect needs to be highlighted. Neither before the Tribunal nor before the High Court, Parveen Kumar and others were arrayed as parties. There is no dispute over the factum that they are senior to the appellants and have been conferred the benefit of promotion to the higher posts. In their absence, if any direction is issued for fixation of seniority, that is likely to jeopardise their interest. When they have not been impleaded as parties such a relief is difficult to grant.

7. In view thereof, the petitioners cannot be held entitled to the claimed relief and the petitions stand dismissed.

8. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)
JUDGE

19.08.2025

Ad

Whether speaking/reasoned Yes/No

Whether reportable Yes/No