



LPA-598-2017

**212 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**LPA-598-2017
Decided on: 15.09.2025

Ishwar Singh Appellant

versus

State of Haryana and others Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**Present: Mr. Akash Yadav, Advocate
for the appellant.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Rajesh Lamba, Advocate with
Mr. Vinod Kumar, Advocate for respondents No.2 and 3.

Ashwani Kumar Mishra, J. (Oral)

This appeal arises out of order dated 21.02.2017, whereby, learned Single Judge refused to treat the period of ad hoc working as a period of substantive appointment.

2. It is undisputed that the appellant was appointed on ad hoc basis in the respondent-bank on 17.05.1986 on the post of peon. His services were confirmed on 01.01.1993. The bank noticed that regularisation of services of the appellant w.e.f. 17.05.1986 was in the absence of any statutory provisions. Consequently, show cause notice was issued to the appellant to treat the period between 17.05.1986 to 01.01.1993 as ad hoc service and to treat the regularisation w.e.f. 01.01.1993. There was otherwise a proposal for terminating the services of the appellant. It was in this context that learned Single Judge has held as under:



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“The petitioner has not placed on record any material to show that under which statutory provision/rule that ad-hoc services can be counted for the purpose of extending service benefits. In the absence of statutory provision for regulating the intervening period of ad-hoc services and confirmation and it relates back to the date of initial appointment on adhoc basis, the same cannot be extended to the petitioner in the present case having regard to the fact that there are no statutory provision. Thus, there is no infirmity insofar as confirmation of petitioner from 1.1.1993. However, ad-hoc service from 17.5.1986 to 1.1.1993 if it is countable only for pension, the respondents may consider.

Petition stands dismissed.

At this stage, learned counsel for the petitioner submitted that his initial appointment was on ad-hoc basis which is in accordance with the rules. If the ad-hoc service is in accordance with the rules, it is restricted to only ad-hoc. There cannot be change from ad-hoc basis to regular unless and until Articles 14 and 16 of the Constitution is complied by the competent authority i.e. for regular recruitment to the post of Peon. In other words if another ad-hoc employee who is working in another service is not in a position to know whether petitioner's appointment would be ad-hoc and it would be regularized from the date of ad-hoc. The mode of appointment on ad-hoc and permanent are two different concept and for two different situations.”

3. Learned counsel for the appellant does not dispute the fact that initial appointment of the appellant was on ad hoc basis. It was, however, argued that 01.01.1993 was the date of confirmation of his services and



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therefore, date of confirmation could not be treated as the date of regularisation. It is also submitted that since temporary employment could only be for a period of six months, unless extended further under the Rules, as such the continuance of service beyond the period of six months ought to be treated as substantive service.

4. Learned counsel for the bank contends that there is no provision under the applicable rules, whereunder the temporary appointment could be converted to substantive appointment. It is also pointed out that the appellant had also filed a civil suit, which was dismissed as withdrawn on the statement of respondent-bank counsel that the services of appellant were confirmed from 01.01.1993. He submits that once the appellant withdrew the suit, he cannot maintain the present proceedings, thereafter.

5. Admittedly, initial appointment of appellant was on ad hoc basis as peon w.e.f. 17.05.1986. No provision of law is shown under which such ad hoc appointment could be treated as substantive regular appointment. The services of appellant have subsequently been regularised by the respondent-bank w.e.f. 01.01.1993.

6. The filing of writ petition, in such circumstances, in the year 2012 brought-forth for treating the ad hoc service from 17.05.1986 to 01.01.1993 as substantive period of working cannot be accepted. Accordingly, we agree with the view expressed by learned Single Judge in rejecting the claim of the appellant. Even otherwise, we find that the suit filed by the appellant was withdrawn after it was pointed out to the Court that services of the appellant were regularised w.e.f. 01.01.1993. Any subsequent attempt to claim the period of ad hoc service from 17.05.1986 to 01.01.1993 as period of substantive working has no merit and is liable to be



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rejected. Moreover, the bank has been generous in regularizing the services of the appellant w.e.f. 01.01.1993 even though there existed no rule or provision and therefore, the appellant must remain contented with what he has already got and pursuing of further proceedings now at this stage, cannot lead him to any further benefit.

7. The present appeal stands dismissed.

**(ASHWANI KUMAR MISHRA)
JUDGE**

15.09.2025
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**(ROHIT KAPOOR)
JUDGE**

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No