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

LPA-1038-2021 (O&M)

Date of Decision: 18th of February, 2025

VIRENDER SINGH

.....Appellant (s)

V/s.

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Sangwan, Advocate, for the appellant.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The appellant by way of this LPA assails order dated 14.02.2020 passed by the learned Single Bench in CWP-1719-2017 whereby the claim raised with regard to counting of services, rendered by him w.e.f. 15.03.1995 to 15.05.1996, for the purpose of granting of annual increment, has been rejected.

2. Heard learned counsel for the appellant at length.

3. Learned counsel for the appellant submits that the appellant has rendered more than one year of service on *ad hoc* basis and was placed in the pay scale of ₹1400-₹2600/- during the said period. Therefore, he is entitled to counting of the said period of service for grant of annual increment especially when he is ultimately regularized on the post w.e.f. 30.04.2004.

4. Learned counsel submits that the break in service w.e.f. 16.05.1996 to 29.11.1997 can be treated as deleted and his increment should be counted from 15.03.1995 onwards regularly. He relies on the



circular issued by the Department dated 11.06.1974 which has been reiterated on 31.01.1984 as well as explained in circular dated 05.12.2006. He submits that the learned Single Bench has erred in relying on the judgment dated 10.09.2015 passed in *LPA-507-2015* titled as **Sarabjit Singh** Vs. **State of Consumer Disputes Redressal Commission, Punjab and Others** as the said case is relating to the ACP and not relating to the grant of annual increment.

5. Learned counsel has relied on the judgment dated 12.03.2013 passed by the learned Single Bench of this Court in *CWP-2866-2009* titled as **Vinod Kumar** Vs. **State of Haryana and Others** in support of his submissions.

6. We have carefully considered the submissions of learned counsel for the appellant.

7. We find that the appellant had admittedly been selected as an *ad hoc* employee for 89 days by the Director, Industrial Training and Vocational Education, Haryana on 09.03.1995 and has rendered services on *ad hoc* basis w.e.f. 15.03.1995 to 15.05.1996. After 15.05.1996, his services were dispensed with and he had again applied through the Employment Exchange and his name was sponsored. He was again selected as Lineman (Practical) Instructor on 29.11.1997 in the pay scale of ₹1400-₹2600/- whereafter his services were continued and regularized vide order dated 30.04.2004. While the State has already granted the benefit of service rendered w.e.f 29.11.1997, the previous service which he had earlier



rendered from 15.03.1995 to 15.05.1996 has not been counted for the purpose of grant of increment.

8. The claim of the appellant is found to be misconceived. We find that after the appellant had served upto 15.05.1996 on *ad hoc* basis in the pay scale of ₹1400-₹2600/- and his services were dispensed with which he did not challenge before any Court of law. A fresh appointment was given to him on 29.11.1997 in the pay scale of ₹1400-₹2600/-. Meaning thereby that from 29.11.19,97, he was again placed at the lowest pay of ₹1400/- as a fresh appointee. His earlier period of service, which he rendered for more than one year was neither claimed nor could have been counted as he was freshly selected by the Departmental Selection Committee. In the circumstances, appellant's claim for grant of one more increment for the period of service rendered by him earlier, is not made out.

9. The circulars which have been cited before us, are with reference to the cases, whereafter a person has rendered *ad hoc* service is immediately regularized or is selected on regular basis. The said circulars have been duly applied by the State while counting the services w.e.f. 29.11.1997 to 30.04.2004 and rendered by the appellant, however, the said circulars cannot be extended for the period of break in service.

10. For the reasons as above, we cannot accede to the claim made by the appellant. Learned Single Bench has also proceeded on the basis that the appointment made on *ad hoc* basis cannot be said to be regular appointment. However, without going into the said aspects, and for the reasons, though different from the reasons assigned by the learned Single



Bench, we do not find the claim of the appellant admissible. Accordingly, the appeal stands **dismissed**.

11. All pending applications in this case are disposed of accordingly.

**[SANJEEV PRAKASH SHARMA]
JUDGE**

**[KIRTI SINGH]
JUDGE**

February 18, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>