



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2747 of 2025 (O&M)
Date of Decision: 25.09.2025

AJAIB SINGH AND OTHERS

.....Appellants

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Suvir Sidhu, Advocate and
Mr. Mandeep Singla, Advocate,
for the appellants.

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ANUPINDER SINGH GREWAL, J. (Oral)

CM-6906-LPA-2025

This is an application seeking condonation of delay of 113 days
in filing the appeal.

Issue notice to the respondents.

Ms. Arundhati Kulshreshtha, AAG, Punjab, accepts notice on
behalf of the respondents and submits that she has no objection if the delay
is condoned.

In view of the above, the application is allowed and delay of
113 days in filing the appeal is condoned.

Main Appeal

The appellants have impugned the judgment of the learned
Single Bench dated 05.04.2025, whereby their prayer *inter-alia*, for counting



the period of service rendered by them on *ad hoc* basis, towards the ‘total length of service’ for the benefit of increment and proficiency step up, was rejected. Challenge has also been laid to the order dated 21.07.2025, whereby the application seeking review of the judgment dated 05.04.2025 has been dismissed.

2. Learned counsel for the appellants submits that the appellants were given *ad-hoc* promotion to the post of Sub Divisional Engineer in pursuance to the recommendation of the Selection Committee, which were also periodically extended and therefore, the period of service which they had rendered on *ad-hoc* basis ought to be considered for increment and proficiency of step up. He has referred to the judgment of the Supreme Court in the case of ***Direct Recruit Class II Engg. Officer’s Association vs State of Maharashtra (1990) 2 SCC 715.***

3. Heard.

4. The appellants are stated to have been appointed as Junior Engineer between 1976 and 1979. They were promoted to the post of Sub Divisional Engineer on an *ad hoc* basis against vacant posts vide orders dated 28.12.1984 and 31.05.1985 (Annexures P-2 and P-3). For appointment to the post of Sub Divisional Engineer, 60% of the posts are reserved for direct recruits while 40% of the appointments are to be made by promotion from the post of Junior Engineer. Admittedly, the vacant posts were meant for appointment by ‘direct quota’ and the appellants had only been given *ad hoc* charge against the posts meant for direct quota, as at that time there were no posts available for appointment by promotion in the 40% quota for the



promotees. The appellants had been officially promoted as Sub Divisional Engineer only on 10.10.2007 against the posts meant for promotees.

5. We are in agreement with the judgment of learned Single Bench that as the appellants had been given promotion on an *ad hoc* basis against the posts meant for direct recruits and the service which they had rendered on *ad hoc* basis cannot be counted for increment and proficiency step up. They would be entitled to the increment & proficiency step up only for period after their promotion in the quota of promotees. The appellants would of course be entitled to count the period of *ad hoc* services for computing the pensionary benefits in terms of the judgment of Full Bench of this Court in the case of ***Kesar Chand Vs. State of Punjab and others, AIR 1988 P&H 265.***

6. Learned Counsel for the appellants has placed reliance on the judgment of the Supreme Court in the case of ***Direct Recruit Class II Engg. Officer's Association vs State of Maharashtra (1990) 2 SCC 715,*** to submit that the appellants were given *ad-hoc* promotion to the post of Sub Divisional Engineer in pursuance to the recommendation of the Selection Committee and although the initial promotion was not made as per the rules but since they have continued working uninterruptedly on the promotional post of Sub Divisional Engineer for over 20 years till their promotion was confirmed in 2014-2017, they would be entitled to the benefit of counting the service rendered on post of Sub Divisional Engineer on *ad-hoc* basis towards the 'total length of service' for the benefit of increment and proficiency step up. However, we are of the opinion that the judgment in the



case of *Direct Recruit Class II Engg. Officer's Association (supra)* does not help the case of the appellants. In that case the issue before the Supreme Court was determination of *inter-se* seniority between the direct recruits and the promotees, where the promotees had continued to officiate on the promotional post for long periods. It was in these circumstances, that the Supreme Court held that where the initial appointment was not made as per the rules but the appointee continued to work uninterruptedly till regularisation/confirmation of promotion, the officiating period will be counted towards seniority only.

7. Furthermore, the appellants are stated to have retired from service between 2012 and 2017 and have challenged the order dated 10.10.2007 (Annexure P-7) granting them promotion from a prospective date by preferring a writ only in 2017. The appellants ought to have been vigilant and challenged the order granting promotion from a prospective date, promptly. A litigant cannot sleep over his rights, wake up from his sleep and knock the doors of the Constitutional Court after a significant lapse of time. Reference can be made to the judgment of the Supreme Court in the case of *State of Orissa vs. Laxmi Narayan Das 2023 INSC 619*, wherein it has been held as under:

“16. ...Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant “a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in



hazard and causes injury to the lis. ... A court is not expected to give indulgence to such indolent persons- who compete with 'Kumbhakarna' or for that matter 'Rip Van Winkle'. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

8. In view of the above, we do not find any illegality whatsoever in the impugned judgment dismissing the writ petition preferred by the appellants or in the order dated 21.07.2025, whereby the application seeking review of the judgment dated 05.04.2025 had been dismissed. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.

9. All pending miscellaneous application(s) also stand disposed of.

**(ANUPINDER SINGH GREWAL)
JUDGE**

**(DEEPAK MANCHANDA)
JUDGE**

25.09.2025

Sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No