
(2010) 09 SHI CK 0183
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 6166 of 2008

Gian Chand

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Citation : (2010) 09 SHI CK 0183

Hon'ble Judges : Kurian Joseph, C.J.;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The issue raised in this case pertains to the counting of ad hoc/tenure service followed by regular appointment for the purpose of increments and pension. This Court has considered a similar matter, leading to our judgment dated 15th July, 2010 in L.P.A. No. 36 of 2010. The text of the judgment reads as follows:

Petitioner is the appellant. The petitioner approached this Court seeking the benefit of ad hoc service, rendered by him, prior to his regular service. Learned Single Judge granted the benefit of increment and permitted other service benefits, except the seniority. Learned Single Judge followed the judgment of this Court in Paras Ram v. State of H.P. and Anr. Latest HLJ 2009 (HP) 887 in granting the relief, as above.

2. According to the learned Counsel for the petitioner-appellant, the petitioner having been recruited through the same recruitment process, he is entitled to have seniority also in respect of the period of ad hoc service. We are afraid that contention cannot be appreciated. It is not in dispute that initial recruitment was only for ad hoc service. However, this Court in Paras Ram's case had laid down the law that if ad hoc service is followed by regular service in the same post, the said service could be counted for the purpose of increments. It is also settled principle of law that any service that is counted for the purpose of increment, will count for pension also. To that extent the appellant is justified in making submission that period may be treated as qualifying service for the purpose of

pension also. However, so far as the seniority is concerned, the basic norms of seniority will be counted on the date of appointment in regular service, qua those who are already in regular service as on that date. If the claim of the petitioner-appellant is to be accepted, it will unsettle the settled seniority of those regular teachers. It may also not be out of context to note that none of the affected teachers is before us. Be that, as it may. Since the petitioner-appellant under law is entitled only for counting the ad hoc service, followed by regular service for the purpose of increments and pension, there is no merit in the appeal and the same is dismissed subject to the above modification that the period that is counted for the purpose of increment, will count for pension also.

2. In case the petitioner is also similarly situated, he shall also be entitled to the same benefit. There will be a direction to the first/second respondent to take appropriate action in the matter, in the light of the judgment referred to above, within a period of three months from the date of production of a certified copy of this judgment.

3. The petition stands disposed of, so also the pending application(s), if any.

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