
(2011) 04 SHI CK 0036
In the High Court Of Himachal Pradesh
Case No : CWP (T) 12345 of 2008

Hira Lal Sharma

APPELLANT

Vs

State of HP and Others

RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0036

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Deepak Gupta, J.—By means of this petition the Petitioner has prayed for the grant of the following amongst other reliefs:

That the applicant may be regularized w.e.f. 4.11.1988 i.e. from his initial date of appointment on adhoc basis instead of 4.11.1998 in the light of the law laid down by the Hon''ble Supreme Court as stated in para 6 (viii) and the policy adopted and formulated by the Respondents as stated in para 6(vi)

2. The undisputed facts are that the Petitioner was a qualified Shastri, but was initially appointed against the post meant for Junior Basic Teachers (JBT) on adhoc basis vide order dated 31.10.1988. He joined service on 4.11.1988. He continued to work as such. Thereafter the State Government framed a scheme to regularize the services of persons appointed as JBT on adhoc basis. Special JBT certificates were issued to various persons including the Petitioner and the Petitioner was regularized in the year 1998. The claim of the Petitioner is that he should be regularized w.e.f. 4.11.1988 from the date of his initial appointment and he should have been granted seniority and pay fixation accordingly.

3. As far as the seniority is concerned, I am of the considered view that the Petitioner cannot claim seniority on the basis of his past adhoc service, because of the reasons that he was not qualified to hold the JBT post. The Government came up with a scheme to regularize such employees and after award of Special

JBT certificates these employees were regularized. They cannot claim that their regularization should be from the back date.

4. However, as far as the claim for grant of pay fixation by taking into account the services rendered on adhoc basis is concerned, this Court in a number of cases including *Paras Ram v. State of Himachal Pradesh and Anr.*, Latest HLJ 2009 (HP) 887 and *Ms. Thakuri Devi v. State of HP and Ors.* Latest HLJ 2010 (HP) 549 has held that when adhoc appointment is followed by regular appointment, which has been rendered without break, the same must be taken into consideration for the purpose of grant of annual increments.

5. In view of the above discussion, the petition is allowed to the limited extent, that for the purpose of pay fixation only, the service rendered by the Petitioner on adhoc basis w.e.f. 4.11.1988 shall also be taken into consideration. It is, however, made clear that the Petitioner would be entitled to arrears only from 1.12.2002, i.e. three years prior to filing of the Original Application. The State is directed to pay the arrears latest by 31st October, 2011, failing which the State shall be liable to pay interest on the same @ 9% per annum. The petition is disposed of in the aforesaid terms. No order as to costs.