

(2011) 11 SHI CK 0194
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 8771 of 2010

Paras Ram

APPELLANT

Vs

State of H.P. and another

RESPONDENT

Date of Decision : 11-11-2011

Acts Referred:

Citation : (2011) 11 SHI CK 0194

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Surinder Singh, J.—By means of the present petition, petitioner has sought the mandamus against the respondents to count the ad hoc period of service rendered by him for fixation of pay etc. by allowing him all the increments from the date of his initial appointment in view of the judgment passed in LPA No. 36 of 2010 Sita Ram v. State of H.P. and others.

2. The main contention of the petitioner is that the benefit of ad hoc service rendered by him prior to his regular service should be given to him. The petitioner was appointed as JBT teacher on 17.4.1984, thereafter he was appointed against his own post on 19.5.1989 on ad hoc basis as Shastri. He was regularized as Shastri on 16.11.1995 (AnnexureP3). It is not disputed that the initial recruitment of the petitioner was an ad hoc service followed by the regular service. In Paras Ram v. State of H.P. and another latest HLJ 2009 (HP) 887 this Court laid down the law that if the ad hoc service is followed by the regular service in the same post, the said service could be counted for the purpose of increments.

3. It is well settled that any service, if counted for the purpose of increment, will also be counted for the purpose of pension. Therefore, the period of ad hoc service rendered by the petitioner may be treated as qualifying service for the purpose of pension also.

4. So far as seniority of the petitioner 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 as held by the Principal Division Bench of this Court in Sita Ram v. State of H.P. and others [LPA No. 36 of 2010] decided on 15.7.2010.

5. For the aforesaid reasons, the petition is allowed to the extent that the petitioner is held entitled only for counting ad hoc service followed by regular service for the purpose of increments and pension and the period rendered as JBT teacher on ad hoc shall only be counted for the purpose of pension as held in CWP No. 5817 of 2011 Vishwa Dev v. State of H.P. and another (DB) decided on 1.8.2011.

6. The petition stands disposed in the above terms so also the pending application(s), if any.