

(2010) 12 SHI CK 0348
In the High Court Of Himachal Pradesh
Case No : CWP No. 7222 of 2010

Sohan Lal Aumta

APPELLANT

Vs

State of Himachal Pradesh and Another

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0348

Hon'ble Judges : Kurian Joseph, C.J.;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—It is submitted by the learned Counsel for the Petitioners that the matters are covered by the decision of this Court rendered in LPA No. 36 of 2010, titled Sita Ram v. State of H.P. and Ors., the text of which reads as follows:

Petitioner is the Appellant. The Petitioner approached this Court seeking the benefit of adhoc 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 2 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. The Petitioner(s) may file appropriate individual representation(s) before the second Respondent within a period of one month from today, in which case, the matter will be duly examined and in case the Petitioner(s) are duly covered by the judgment as above, the Petitioner(s) shall also be disbursed the benefits as extended to those in the judgment as extracted above, within another four months, from the date of presentation of the representation(s).

3. With these observations, the Writ Petitions are disposed of, so also the pending application(s), if any.