
(2008) 02 P&H CK 0220
In the Punjab And Haryana At Chandigarh

Suraj Bhan Dahiya

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 19-02-2008

Acts Referred:

Citation : (2008) 02 P&H CK 0220

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The petitioner was informed through a letter dated 29.1.1999 that he was not entitled to the benefit of second Higher Standard Grade. Aggrieved against this, the petitioner has filed the present writ petition impugning the said denial.

2. The petitioner was appointed as a steno in the department of P.W.D. (Public Health) on 23.12.1960. In the year 1970, vacancies of Stenography Instructors (English) were advertised by Director, Technical Education, Haryana. In response, the petitioner submitted his application through proper channel and was selected. He accordingly joined the post w.e.f. 28.10.1970. The petitioner was made regular w.e.f. 1.1.1980 and was confirmed as well. The petitioner prayed for grant of Standard Grade in view of the Haryana Government instructions made applicable w.e.f. 1.1.1994 on completion of 20 years of service without having been promoted or granted selection grade. The request of the petitioner was that his entire service from 1960 be taken into consideration for the grant of standard grade on completion of 20 years of service. The petitioner, however, was permitted only one Standard Grade promotion on completion of 10 years of service counting w.e.f. 1.1.1980 and not from the year 1960/1965 as claimed by him. Intimation was also sent to the petitioner that he was not entitled to the second Higher Standard Grade increment as he did not complete 20 years of regular service having been appointed and confirmed w.e.f. 1.1.1980.

3. Notice of motion was issued and reply has been filed on behalf of respondent Nos. 1 and 2. The stand taken in the order (Annexure P-1) is reiterated in the reply. The appointment letter issued to the petitioner on 13.10.1970 is annexed as Annexure R-1.

4. It is highlighted that the appointment letter clearly shows that the petitioner was selected as Stenography Instructor (English) purely on ad hoc basis. His appointment was for the period of six months or till a regular appointment was made. He was subsequently regularised w.e.f. 1.1.1980, in view of Haryana Government instructions issued through a letter No. CSR/Cont/Art/309/80 dated 1.1.1980. It is further disclosed that the case of the petitioner was considered for grant of additional increment on completion of 8/18 years of service up to 1.7.1992. Two additional increments had accordingly been granted to the petitioner. It is then disclosed that the respondent-Government has issued instructions on 8.2.1994 for granting time bound higher standard pay scale to Haryana Government employees of Group C & D. Copy of the instructions is annexed as Annexure R-4. The petitioner was, thus, granted higher standard pay scale on completion of 10 years of regular service. It is pleaded that the petitioner has not completed 20 years of regular satisfactory service and, thus, has not been granted second Higher Standard Pay Scale on completion of 20 years of service.

5. The pleading would show that the petitioner has not disputed that he was regularised w.e.f. 1.1.1980. The appointment letter issued to the petitioner, annexed with the reply filed by the State as Annexure R-1, would clearly show that the petitioner was appointed as purely temporary and his appointment was for a period of six months. The petitioner continued to be on ad hoc service/temporary service till it was regularised. w.e.f. 1.1.1980. State counsel submits that the requirement of service is a regular satisfactory service and since the petitioner did not have to his credit 20 years of regular satisfactory service, he is not eligible for grant of second Higher Standard Grade as claimed by him.

6. Learned State counsel has referred to the judgment of State of Haryana Vs. Haryana Veterinary and A.H.T.S. Assn. and Another, , where similar issue is dealt with and decided by Hon'ble the Supreme Court. This was a case where 12 years of "regular service" was the criteria for Engineers to selection grade in the scale of pay as specified by the circular issued by the Haryana Government. While interpreting the expression "regular service", it is held that the service rendered on the basis of ad hoc appointment made dehors the recruitment rules, although without interruption followed by regular appointment on selection by Public Service Commission would not be includible in the term "regular service". It is clearly held that the requisite period has to be computed from the date of regular appointment and not from any earlier date.

7. No one has appeared on behalf of the petitioner. The term "regular service", as used in the instructions dated 1.1.1994 regulating the grant of Higher Standard Pay Scale in service career, can not be given a different meaning than

what has been assigned by the Hon"ble Supreme Court. The petitioner concededly has not completed 20 years of regular satisfactory service before his retirement. He can not be held entitled for the grant of Higher Standard Pay Scale in terms of the instructions dated 1.1.1994. There is no merit in the plea raised by the petitioner.

8. The present writ petition is accordingly dismissed.