



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

208

**CWP-11180 of 2014
Date of decision: 11.05.2026**

MANOHAR LAL AND ORS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA, JUDGE

Present: None for the petitioners.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 19.02.2013, Annexure P-11, whereby the petitioners' claim for counting their *ad hoc* service for fixation of seniority has been declined. Further, a writ of *mandamus* has been sought directing the respondents to grant seniority to the petitioners based upon their *ad hoc* service, and count it as qualifying service for pension also in terms of law laid down by the Full Bench in *Kesar Chand v. State of Punjab and Others*, AIR 1988 (P&H) 265.

2. Learned State counsel by referring to the reply filed on behalf of respondent no. 1 submits that the petitioners' *ad hoc* service has been counted for the purpose of pensionary benefits, as detailed in para 5 thereto. He further



submits that this *ad hoc* service cannot be counted for fixation of seniority in terms of office memorandum dated 17.12.2012, issued by the Finance Department, Government of Haryana, and the law laid down by the Supreme Court in Civil Appeal No. 13423 of 1996 titled *State of Haryana v. Haryana Veterinary & A.H.T.S Association and Another*, as also the observations made in judgment dated 22.08.2012 rendered in SLP No. 29274 of 2009, which read as under:

24. None of the aforesaid judgments can be read as laying down a proposition of law that a person who is appointed on purely *ad hoc* basis for a fixed period by an authority other than the one who is competent to make regular appointment to the service and such appointment is not made by the specified recruiting agency is entitled to have his *ad hoc* service counted for the purpose of fixation of seniority. Therefore, the respondents, who were appointed as Masters in different subjects, physical Training Instructor and Hindi Teacher on purely *ad hoc* basis without following the procedure prescribed under the 1955 Rules are not entitled to have their seniority fixed on the basis of total length of service. As a corollary to this, we hold that the direction given by the High Court for re-fixation of the respondents' seniority by counting that *ad hoc* service cannot be approved.

3. It is apparent on record that one of the claims raised in this petition, i.e., counting the petitioners' *ad hoc* service as qualifying service for the purpose of pensionary benefits, has already been accepted by the respondents. However, the second claim regarding counting of the said service towards fixation of seniority has been rejected on the basis of the office memorandum, dated 17.12.2012, which is in terms of law laid down by the Supreme Court, as



aforementioned. Accordingly, no exception can be taken to rejection of the petitioners' second claim.

4. The petition stands disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

11.05.2026

Kamal Gandhi

Whether speaking/reasoned Yes/No
Whether reportable Yes/No