

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).26528/2008

(From the judgement and order dated 18/08/2008 in CWP No.2246/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KURUKSHETRA UNIVERSITY

Petitioner(s)

VERSUS

RAI SINGH (D) THR. LRS. & ANR.

Respondent(s)

(With office report)

Date: 11/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Nikhil Majithia, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. J.P. Dhanda, Adv.
Ms. Raj Rani Dhanda, Adv.
Mr. Amrendra Kumar Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard.

The short question that falls for determination in this special leave petition is whether period spent by employees engaged on contract basis but subsequently regularised can count towards qualifying service for purpose of payment of pension. The petitioner-University has taken the stand that the period spent on contract basis by employees who were subsequently regularised can not be counted towards qualifying service. Reliance in support of that submission is placed by the petitioner-University upon para 4 of the Scheme/Rules which the High Court has struck down as discriminatory. The High Court appears to be of the view that there is no qualitative difference between service rendered by an employee on contract basis and that rendered by an employee appointed on an ad hoc basis.

In the case of ad hoc employees, para 4(b) of the Scheme/Rules permits counting of the period spent towards qualifying service. Learned counsel for the petitioner-University argues that ad hoc employees are appointed against the sanctioned posts, as is the position in the case of work-charge employees. There is however nothing on record to support that contention. While para 4(c) of the Scheme/Rules deals with work-charge employees specifically provides that period spent on that basis shall count for qualifying service provided the service is rendered against a sanctioned post. No such stipulation is found in para 4(b) of the Scheme/Rules which deals with ad hoc employees.

Be that as it may, learned counsel for the petitioner-University may take instructions and file an affidavit whether ad hoc employees are engaged/employed only against sanctioned posts and if so the basis on which the statement is being made. He may also take instructions as to the essential difference between the nature of the appointment or the nature of the duties to be discharged by an employee appointed on contract basis as against an employee appointed on ad hoc basis.

Four weeks' time is granted for doing the needful. Post after four weeks.

| (Mahabir Singh)
| Court Master

| | (Veena Khara)
| | Court Master

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