

Balwinder Singh And Ors. vs State Of Punjab And Ors. on 31 March, 1999

Equivalent citations: (1999)ILLJ1411SC

Author: S. Saghir Ahmad

Bench: S. Saghir Ahmad, R.P. Sethi

ORDER

Mr. S. Saghir Ahmad, J.

1. Leave granted.

2. The appellants before us had worked on voluntary basis as Home Guards for the period from 1985 till 1990. Thereafter in 1990 Appellants 1 to 4 were appointed on ad hoc basis as Corporal Instructors while Appellants 5 to 8 were appointed as Despatch Riders. They continued to work, according to the respondents up to July 1994 as their period of appointments which were made for 89 days was extended for another eighty-nine days from time to time. It is contended that since they were appointed only on fixed-term basis and were not given fresh appointments on the expiry of the last term in 1994, they are not entitled to any relief, much less the relief of regularisation.

3. The fact that all the eight appellants had worked as Home Guards for the period from 1985 to 1990 and the further fact that they were appointed on ad hoc basis and had worked on the aforesaid posts up to July 1994 is not disputed. Although the appellants, having been appointed on ad hoc basis for a limited period, cannot claim reinstatement as a matter of right, we cannot ignore the fact that they were appointed by the respondents themselves on ad hoc basis and their appointments were continued from time to time with the result that they continued in service for 4 or 5 years. They, therefore, deserve sympathetic consideration.

4. Learned Counsel appearing on behalf of the respondents had placed before us a copy of the order passed by this Court SLP (C) No. 19783 of 1996 which is to the following effect:

Admittedly petitioners were appointed on ad hoc basis and they were discharged from service. Under these circumstances, they have no right to the post and orders passed discharging them from service are not vitiated by any error of law. However, if they became barred by age by the date of any regular recruitment, the time spent by them in service would be excluded for the purpose of considering their claims on par

with others in the direct recruitment. It is also further pointed out that the arrears of salary have not been paid to them for the period they have worked. If that be so, it would be open to the petitioners to make an application and we are informed that such an application has been made. In that even it would be for the appropriate authority to consider and pass suitable orders for payment of the amount, if not already paid for the period during which they have actually worked. The petition is accordingly dismissed with the above observation.

5. It is contended that if any relief is intended to be given to the appellants it may be given in the terms in which it was given to similar persons by means of the order reproduced above.

6. While extending to them the benefit of relaxation in age for the period for which they were already in service as Corporal Instructors/Dispatch Riders we further provide that if the respondents at all intend or proceed to make appointments on these posts, the appellants shall be given first preference. We make it clear that the direction of the Punjab & Haryana High Court for action being taken against the Officers who had granted extension to the appellants from time to time, is not disturbed. The appeal is disposed of in the above terms with no order as to costs.