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SUPREME COURT OF INDIA

Before : Justice S. Rajendra Babu and Justice G.P. Mathur, JJ.

HARGURPRATAP SINGH — Appellant
versus
STATE OF PUNJAB — Respondent

Civil Appeals No. 8745 of 2003 (Arising out of SLP (C) No. 14751 of 2001) with Nos. 8746-55, 8757-60, 8762-65, 8767-82, 8785-95, 8813, 8796-801, 8803-04 and 8806-08 of 2003. (Arising out of SLPs (C) Nos. 15024-26, 15556-61, 15321, 15324, 15331, 15550, 15341, 15345-47, 16475, 16506, 17752-53, 18161-73, 18194, 18155-60, 18223-24, 18575, 18856, 18854-55, 18287, 19912, 19988, 19479, 20306, 20767, 20399, 22060, 22414 of 2001 and 7880 of 2002)

07.11.2003

Service Matter – Though the appellants may not be entitled to regular appointment as such it cannot be said that they will not be entitled to the minimum of the pay scale nor that they should not be continued till regular incumbents are appointed – The course adopted by the High Court is to displace one ad hoc arrangement by another ad hoc arrangement which is not at all appropriate for these persons who have gained experience which will be more beneficial and useful to the colleges concerned rather than to appoint persons afresh on ad hoc basis – . Appellants shall be entitled to the minimum pay scale and continuation in service till regular incumbents are appointed.

ORDER

S. Rajendra Babu, J.—Leave granted.

2. The appellants in these cases were employed on ad hoc basis in several colleges in the State of Punjab. There being a threat of termination of their services, they filed writ petitions before the High Court seeking for the relief of regularisation, minimum pay scale and to continue in their present posts until regular appointments are made. All the reliefs were rejected by the High Court and so far as the relief relating to continue them in their present posts until regular incumbents are appointed, the High Court stated that the Government will have to follow its policy decision dated 23-7-2001.

3. We have carefully looked into the judgment of the High Court and other pleadings that

have been put forth before this Court. It is clear that though the appellants may not be entitled to regular appointment as such it cannot be said that they will not be entitled to the minimum of the pay scale nor that they should not be continued till regular incumbents are appointed. The course adopted by the High Court is to displace one ad hoc arrangement by another ad hoc arrangement which is not at all appropriate for these persons who have gained experience which will be more beneficial and useful to the colleges concerned rather than to appoint persons afresh on ad hoc basis. Therefore, we set aside the orders made by the High Court to the extent the same deny the claim of the appellants of minimum pay scale and continuation in service till regular incumbents are appointed. We direct that they shall be continued in service till regular appointments are made on minimum of the pay scale.

4. The appeals shall stand allowed in part accordingly.

SS