

Directorate of School Education (Secondary), Punjab
PSEB Complex, Phase-8, SAS Nagar

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02/04/2026
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No. E-572658 Establishment-1(5)/2026 90354
Dated: S.A.S Nagar, 02/04/2026

Speaking Order

Sh. Nirmal Singh Joshan, Lect. age 55, S/o Sh. Surjan Singh, H.No. 33, Rajiv Gandhi Enclave, Kapurthala and 11 others (whose list is attached with this order) filed Civil Writ Petition No. 19293 of 2023 for directing the respondents to release the arrears of pay after refixing the same as per the order dated 14.03.2017 (P-6) passed in view of the direction issued by this Hon'ble court vide the judgment dated 25.10.2016 (P-5), also the order dated 01.03.2023 (P-15) as passed in CWP No. 14343 of 2018. The Hon'ble Punjab and Haryana High court disposed of the petition vide order dated 26.11.2025. The operative portion of the order is being reproduced below:-

"In view of the above and without commenting upon the merit of the case, the present petition is hereby disposed of with a direction to respondent No.2 to consider and decide the case present petitioner in the light of order dated 01-03-2023 passed in writ petition no 14343/2018 and order 08-01-2025 passed in COCP No 2085-2023 for grant arrear of salary as per law/rule with in a period of 2 months from the date of receipt certified copy of the order"

In compliance with the abovesaid order of the Hon'ble Court, I have carefully gone through the order dated 26.11.2025, 01.03.2023 passed in CWP No. 14343 of 2018, 08.01.2025 passed in COCP 2085 of 2025 and official record pertaining to the claim of the petitioner. According to the official record, in the year of 1992, the department got advertised 2467 posts relating to various disciplines of teaching staff. Among the said 2467 advertised posts, the then authorities filled up 7737 posts, which became available later during the recruitment process. However, in a related litigation, while deciding CWP No. 5985 of 1994 titled as Yashwinder Singh Raina and another vs. State of Punjab, this Hon'ble court quashed selection and appointment of those candidates who were recruited in excess of the advertised posts. As the selection and appointment of the petitioners were also found to be in excess of the advertised posts, therefore, services of the petitioners alongwith their fellow recruits were terminated later on in the year of 1994, such terminated

candidates were offered appointment on ad hoc basis. Aggrieved by this decision of the Hon'ble court, some of aggrieved candidates preferred special Leave Petitions in the supreme court of India which were converted into civil appeals one of being CA no. 5807 of 1997. While dismissing said Civil Appeal No. 5807 of 1997 (Surinder Singh and others vs. State of Punjab and another, vide order dated 18.06.07), the Hon'ble Supreme Court of India passed the following operative order:

"It is in no uncertain words that this Court has held that it would be improper exercise of power to make appointments over and above those advertised. It is only in rare and exceptional circumstances and in emergent situation that this rule can be deviated from. It should be clearly spelled out as to under what policy such a decision has been taken? Exercise of such power has to be tested on the touch stone of reasonableness. Before any advertisement is issued, it would, therefore, be incumbent upon the authorities to take into account the existing vacancies and anticipated vacancies. It is not as a matter of course that the authority can fill up more posts than advertised. Keeping the above principles in view, if we analyse the facts and circumstances of the present case we find that no exceptional circumstances existed or there was any emergent situation for the State to deviate from the principle of limiting the number of appointments so advertised. In our view, the High court was right in setting aside the appointments of teachers over and above those advertised. The State accepted the judgment of the High Court and did not come up in appeal in this court. However, to get over the situation created because of the fact that more vacancies of teachers were noticed during the period of interview, it appointed candidates more than the number of posts advertised on ad hoc basis and continued as such till fresh process of selection was gone into. Admittedly, that process is on and in various writ petitions the High Court has been issuing directions from time to time extending the ad hoc appointments and in the meanwhile to complete the process of fresh selection. As noticed above, selection of 10,000 more candidates for appointment to various categories of teachers has already been completed and selection process of about 22,000 more such teachers has either been completed by now or under completion. We do not think

at this stage that we should interfere in the matter and set the clock back particularly when we find no ground to invalidate the impugned judgment of the High Court. In the present appeals, there is no appellant who can claim to fall within the first 2461 posts for which advertisement was issued. These appeals are dismissed with costs. Interim orders stand vacated. In the view of the matter the applications for impalement do not require any consideration and are also dismissed.

Appointment made in excess of the advertised posts in pursuance of notification dated 19.08.1992, was quashed by the Hon'ble Punjab and Haryana High Court vide its judgment in CWP No 5985 of 1994 on the ground of their appointment being in excess of the advertised vacancies. Consequently, services of all such candidates were terminated in the year 1994. However, these candidates were admitted on 89 days basis as a stop gap arrangement, till the filling up of vacancies by the fresh recruitments that were already in the process at that time. These appointments on 89 days basis were made purely on provisional basis with rotational breaks at regular intervals. Thereafter certain candidates who had been serving on 89 days basis, were selected and appointed on regular basis, during the subsequent recruitment made in the year 1997. In those cases, where the teachers appointed in excess could not get selected on regular basis during subsequent recruitments, the State of Punjab promulgated ordinance which was subsequently replaced by the Punjab Recruitment of Teachers Act 1999, giving regular appointments to such teachers by creating special type of posts meant for such teachers. All those who have been given regular appointments under the Act, as per the provisions of the Act, were given benefit of regular service w.e.f. date of their joining under the Act which was during the year 1999. These teachers appointed under the Act were not given any benefit of the service rendered by them on 89 days basis. In those cases also where such teachers whose initial appointments were quashed by the Hon'ble High Court in the year 1994 and they were selected on regular basis during subsequent recruitments, the benefit of service rendered by them on 89 days basis, was not given to them for any purpose. Such teachers filed various writ petitions before the Hon'ble High Court seeking the benefit of 89 days service rendered by them prior to their regular service for all intents and purposes.

Subsequently, some of displaced candidates got secured their selection appointment in pursuant of further selection process. And some of such

displaced candidates were re-appointed by virtue of Punjab Teachers Recruitment No- 1000 which was promulgated to adjust such displaced candidates. The matter is whether the such re-appointed candidates are entitled to the annual increments or other related service benefits by adding previous service rendered by them on ad hoc or regular basis had been subject matter of controversy in various litigation. Ultimately the Punjab and Haryana High Court while handing down the judgement and order dated, 16.03.2004 in CWP No. 7765 of 2003 titled as Harinder Kaur and another Vs State of Punjab turned down the claim of similarly situated persons.

The learned single Judge of the Hon'ble High court vide its judgment dated 05.11.2014 in CWP 18673 of 2012, allowed the writ petitions and held the petitioners entitled for all the service benefits in lieu of service rendered by them on ad hoc basis. The state filed appeals against the said order, which have been decided on 27.10.2016, (P-5) with the following order:-

The dispute which arises for consideration in these intra-court appeals is whether adhoc service can be counted towards seniority or the benefit of such service will have to be restricted qua the pay fixation only? In some of the cases, the benefit of adhoc service is claimed towards pension and other retiral benefits also.

[2] So far as the claim of adhoc service towards seniority is concerned, this Court in a recent decision dated 14.09.2016 rendered in LPA No.1743 of 2016 (Harpal Singh and others versus State of Haryana and others) considered such issue and has held that in some exceptional situations only the benefit of adhoc service towards seniority can be admissible. This Court held as follows:

"15) A brief reference to the above-cited case-law should leave no room to doubt that:-

(a) Where the ad hoc appointment was made by an authority not authorized to make such appointment under the Rules, such adhoc service cannot be counted for fixation of the seniority;

(b) Even if the ad hoc appointment is made by the competent authority but if such appointment has not been made on the recommendations of the recruiting agency prescribed under the Rules, the benefit of ad hoc service cannot be granted towards seniority;

(c) Save where the Statutory Rules expressly grants the benefit of ad hoc service towards seniority after appointment on regular basis, the seniority has to be fixed as per the provisions of the Rules.

(d) Where ad hoc appointee has been subsequently selected for regular appointment by the Public Service Commission/Staff Selection Commission/Board, such appointee cannot seek benefit of ad hoc service towards seniority except in category (c) above and in such a case his seniority has to be fixed as per his placement in the merit list. In other words, he cannot march over the candidates who are higher in merit merely on the strength of previous ad hoc service.

(e) Where ad hoc services are regularized under a Government policy, the conditions contained in such notification shall apply in full force. State of Haryana has regularized services of ad hoc employees through various policy-decisions notified from time to time and each such policy specify the date when the ad hoc appointee is brought on regular establishment. The service rendered by such ad hoc appointee before regularization therefore cannot count for seniority though it may be countable for other incidental service benefits like pension etc....⁷

[3] The order under appeal whereby learned Single Judge has granted the benefit of adhoc service towards seniority is thus set-aside with a direction to the appellant-State to follow the above-reproduced parameters for the fixation of seniority of the respondent(s).

[4] As regard to the benefit of adhoc service towards pay fixation, no impediment either caused under the Rules or an Executive Policy has been pointed-out. Unless there is an embargo created by way of policy or rule for denying such benefit, the adhoc service followed by regular appointment without any break can be counted towards pay-fixation on regular appointment.

[5] Similarly, the question re: counting of adhoc service towards "qualifying service" for the purpose of pension is fully answered by Rules 3.17 and 3.17-A of the Punjab Civil Services Rules, Volume-II, Part-1. Relevant parts of these Rules are to the following effect:-⁸3.17. If an employee was holding substantively a permanent post on the date of his retirement, his temporary or officiating service under the State Government followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect

of:- (i) periods of temporary or officiating service in non-pensionable establishment; (ii) period of service in work-charged establishment; and (iii) period of service paid from contingencies. Note 1. —In the case of a Central Government employee who is permanently transferred to the Punjab Government and becomes subject to these rules, under rule 1.1(b) of these rules, the term "continuous temporary/officiating service" shall include such service rendered under Central Government Note 2. —In case of a purely temporary Central Government employee who is permanently transferred to Punjab Government and becomes subject to these rules, the term "continuous temporary service" includes the temporary service under the Central Government. The pensionary liability in respect of such cases shall be allocated on the length of service...." xx xx xx xx [5] 3.17-A. (1) Subject to the provisions of Rule 4.23 and other rules and except in the cases mentioned below, all service rendered on establishment, interrupted or continuous, shall count as qualifying service:- (i) Service rendered in work-charged establishment, (ii) Service paid from contingencies. Provided that after the 1st January, 1973 half of the service paid from contingencies will be allowed to count towards pension at the time of absorption in regular employment subject to the following conditions:- (a) Service paid from contingencies should have been in a job involving whole-time employment (and not part-time or for a portion of the day). (b) Service paid from contingencies should have been in a type of work or job for which regular post could have been sanctioned e.g. Malis, chowkidars, khaldaris, etc. (c) The service should have been one for which the payment is made either on monthly or daily rates computed and paid on a monthly basis and which though not analogous to the regular scale of pay should bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishment. (d) The service paid from contingencies should have been continuous and followed by absorption in regular employment without a break. (iii) Casual or daily rated service. (iv) Suspension adjudged as a specific penalty...."

[6] It may be seen from the above-reproduced provision of the Rules that if the retiree was holding a permanent post on the date of retirement, his temporary or officiating service rendered in pensionable

establishment without any interruption, shall count in full as 'qualifying service'. The word 'temporary' is of wide amplitude and it includes all types of stop-gap services other than regular/permanent service, if rendered in a pensionable establishment. The adhoc service followed by regular or permanent service thus falls within the ambit of 'continuous temporary service' and has to be counted towards 'qualifying service' provided that it was without any interruption in terms of Rule 4.23 of the Rules (ibid). The above-cited Rules have been considered by this Court in a catena of decisions to hold that where adhoc service was followed by regular establishment, such adhoc service shall also be clubbed together with regular service towards 'qualifying service' for the purpose of pension and other retiral benefits. [7] For the reasons afore-stated, the State's appeals are allowed in part and the writ-petitions as well as other connected cases are disposed of in above terms.

In view of the above judgment, claim of the petitioners as well as other similarly situated teachers, was examined and order dated 14.03.2017 (P-6) and 10.01.2018 were passed. Vide these orders it was found that these teachers can be broadly categorized into two categories. One category consists of those teachers who were appointed on regular basis during subsequent recruitments. The other category is of those teachers whose services were regularized under the Punjab Recruitment of Teachers Act 1999. The first category of teachers fall in clause (d) of the judgment in LPA No. 1743 of 2016 referred to by the Division Bench in its judgment and thus cannot be held entitled for the benefit of seniority on the basis of their ad-hoc service. The second category of teachers whose services have been regularized under the Act of 1999, fall in category (e) of the judgment in LPA No. 1743 of 2016 referred to by the Division Bench in its judgment. The matter to regularized services of those teachers who were appointed in pursuance of the Act of 1999 had been subject matter of separate litigation being CWP No. 8457 of 1999. In compliance with the directive of Hon'ble High Court given in the above said writ petition the services of such teachers have already been ordered to be regularized vide this office order no. 1488-3 Ania 2(6) dated 29.04.2014 as per provisions of the act of 1999. The services of these teachers were regularized under the Punjab Recruitment of Teachers Act, 1999. The relevant section 4 and 5 of the said Act read as under:-

Section 4- Date of joining

The date of joining of the teachers shall be that date on which they actually join the posts in pursuance of this Act or it shall be deemed to be that date, after all the selected teachers in pursuance of the advertisements, dated the 28th December, 1994 and the 12th January, 1996, have joined the posts against which they were selected, whichever is later.

Section 5- Seniority

The Seniority of the teachers shall be determined from the date of their joining.

The petitioners of writ petition no 18673 of 2012 and connected writ petitions and other similarly situated incumbents were held entitled for the benefit of regularization on the basis of their ad hoc service on 89 days basis rendered by them prior to their regular appointment provided there is no break between the ad hoc service and regular appointment. However, it was decided that the ad hoc service shall not be countable for the purpose of grant of ACP for the reasons that for the purpose of ACP, only regular service is considered. Further such teachers were also held entitled for the benefit of said ad hoc service for the purpose of qualifying service for pensionary benefits.

In pursuance of the said orders, the concerned petitioners and other similarly situated were advised to raise their claim before their respective existing appointing and Disbursing Officers for taking into account their service rendered on 89 days basis or temporary basis prior to regularization of their existing appointments for the purpose of their re-fixation of pay and revision of pensionary benefits, as the case may be.

The pay/pension of all the petitioners except petitioners no 20 and 21 has been re-fixed/ revised by taking into account their service rendered on 89 days basis prior to regularization of their existing appointments for the purpose of their re-fixation of pay or revision of pensionary benefits, as the case may be. Similar benefit has been denied only to petitioner No. 20 and 21 because there is break in service of these two petitioners.

The petitioners have filed the present petition on 01.08.2023 against the orders dated 14.03.2017 (P-63) & 10.01.2018 after a lapse of considerable delay on frivolous & wrong grounds. Thus there has been delay on the part of the petitioners

by approaching the High Court for redressal of their grievance. The Hon'ble Supreme Court held that a state claim should not have been entertained by the tribunal & accepted by the High Court. In *Chennai Metropolitan Water Supply & Sewerage Board Vs T.T. Marali Babu* reported in 2014 (4) SCC 108 at paragraph 16 & 17, the Hon'ble Supreme Court held as follows:-

16. Thus, the doctrine of delay and laches should not be lightly hunched aside. A writ court is required to weigh the explanation offered & the acceptability of the same. The court should bear in mind that it is exercising an extra ordinary & equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reasons, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted that, delay comes in the way of equity. In certain circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and record law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

In *Suraj Mal Vs State of Haryana* reported as 2015 (14) SC 71 wherein it has been held as under:-

"9. In view of the above authoritative enunciation of law by Hon'ble the Supreme Court and this Court the present writ petition filed by the petitioner nearly after 9 years of his retirement to claim certain benefits, which may be due to him while in service, certainly deserves to be dismissed on account of delay and laches as there is no satisfactory explanation available for delay."

Regarding order dated 01.03.2023 passed in CWP No. 14343 of 2018.

It is submitted that by this date said order was not challenged by the department

within stipulated time hence due to non-compliance of abovesaid order, petitioners — G.O. C.O.P. No. 2085 of 2023 and in the compelling circumstances, the benefit was granted to the petitioners. It cannot be made precedent as no arrears has been paid to any similarly situated petitioners of CWP No. 18673 of 2012 & connected writ petitions as it was neither granted by the Hon'ble Court nor vide order dated 14.03.2017 & 10.01.2018 passed by the respondent department. Hence, the claim of the petitioners for arrears is not sustainable.

After due consideration of the facts, circumstances and legal position of the instant matter, I am of the considered opinion that in view of the position claimed above, the petitioners, are entitled for refixation of pay/revision of employees benefit as the case may be by taking into account their service rendered on 09 days prior to regularization of their existing appointment which claim has already been granted to them. It is pertinent to mention that petitioners are not held entitled for arrears of pay fixation/pensionary benefits. Accordingly, their claim regarding arrears of pay fixation/ revised pensionary benefit is hereby rejected since it was neither granted by the Hon'ble Court nor vide order dated 14.03.2017, 10.01.2018 and in this regard a detail clarification order dated 05-03-2026 has been issued passed by the respondents department through which earlier office orders issued by the department vide order no.4/52-2013, E-3(2) dated 14-03-2017 and dated 10-01-2018 shall be deemed to have been modified.

Keshav Goyal, P.C.S.


Director of School Education (SE), Punjab

Order No. Diven: 2026 90354

Dated: 02/04/2026

A copy of the above is sent to the following for information and necessary action:-

1. Secretary to Government of Punjab, Department of School Education (Education-3 Branch), Civil Secretariat (II), Sector-9, Chandigarh.
2. Concerned District Education Officers (SE) to inform the petitioners.
3. Concerned Petitioners as per List Through D.E.O. (SE)


Assistant Director School Education

2026 - विद्युत् विभाग, महाराष्ट्र (वि.) चर्चा

पुस्तक क्र. ग-6/1 (2026/1952) दिनांक 06/04/26

अथ विद्युत् नवीकरणीय स्रोत वल (वि) बोर्ड
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