

Dated Shimla-171001the

June, 2025

**OFFICE ORDER**

Whereas, in CWP No. 3531/2025 titled as Anju Patyal Vs State of H.P. and ors the Hon'ble-High court of HP has passed the following orders/judgments:-

*“Consequently, in view of the aforesaid fair stand adopted by learned Additional Advocate General, coupled with the fact that petitioner has already filed representation for redressal of her grievance (Annexure P-3), this Court, without going into the merits of the case, deems it fit to dispose of the present petition with a direction to the respondents to consider and decide the case of the petitioner in light of judgment passed by this Court in Satish Kumar (supra), expeditiously, preferably within a period of four weeks. Ordered accordingly. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass speaking order thereafter. Pending applications, if any, stand disposed of.”*

Whereas, the petitioner Smt. Anju Patyal, presently working as Lecturer (Economics) at GSSS Ghangret, Distt. Una, (H.P.) was called for personal hearing on 17.06.2025. During course of hearing the grievance of the petitioner was heard at length and the petitioner Smt. Anju Patyal also submitted a representation by stating therein that her case is squarely covered under the judgment delivered by the Hon'ble High Court of HP in CWOPA No. 3435/2020- titled as Satish Kumar & others Vs State of HP & others. Therefore, she is entitled to be regularized w.e.f. 01.05.2003 with all consequential benefits.

Whereas, the case of the petitioner is examined thoroughly and it is revealed that during 2002, the Department placed requisition to HPSSSB Hamirpur to fill-up 224 posts of TGT (Arts), 247 posts of TGT (NM) and 273 posts of TGT (Medical) on regular basis. In response to the Department requisition, the Secretary, HPSSSB, Hamirpur after completion of all codal formalities recommended the selection list of TGT NM & Medical vide letter No.HPSSSB-B(2)258/2002-3533 dated 10.12.2002 & No.HPSSSB-B(2)259/2002-3532 dated 10.12.2002. The name of the petitioners were also in the recommendation list of TGT Medical. The Recommendation of TGT (Arts) was not received as the personal interview was not held by the Secretary, HPSSSB, Hamirpur at that time. Thereafter, whole process of appointment and interview was stopped due to vigilance inquiry and as per Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13-03-2003. Later on, the Govt. vide its letter No: Shiksha-II-kha

(1)3/98-Loose dated 28.8.08 & 30.7.09 accorded approval to appoint TGT Medical and TGT Non-Medical purely on contract basis as recommended by the HPSSSB, Hamirpur in the year of 2002 and accordingly the Department offered appointment to the eligible candidates as well as petitioners as TGT (Medical) & TGT (NM) purely on contract basis on 07.10.2008 & 24.08.2009 respectively. **The selection process for the post of TGT Arts was not completed by HPSSSB, Hamirpur in the year of 2002 as the interview process was not started by HPSSSB, Hamirpur in the year of 2002 and the same was completed in the year of 2012 as per order of the Hon'ble High Court of H.P. passed in CWP No: 3513/2009—Manoj Kumar Vs State of H.P. and others dated 03.08.2010 from the stage it was stopped.** In compliance of the High Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates of TGT (A) vide letter No. HP.SSSB-B(2)-257/2002-40499 dated 17.10.2011. Thereafter, as per approval conveyed by the Government vide letter No. Shiksha-H-kha(1)3/98-Vol-II dated 16.2.2012, appointment was offered by the Department to the selected candidates as well as petitioners vide office order No. EDN-H(2)B(2)6/2011-Arts-HPSSSB dated 21.02.2012.

Whereas, later on as per approval conveyed by the Government vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme court passed in Special Leave to Appeal (C).....CC No(s)1171/2017 on dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Whereas, feeling aggrieved from this Department office order No.EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 vide which seniority numbers were allotted to the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur on the basis of requisition of 2002, Sh. Satish Kumar & five others filed O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & others in the Hon'ble H.P. Administrative Tribunal for the following relief:-

- a) Quash the impugned Office orders dated 05.04.2018 (Annexure A-14 and 15) being arbitrary, malafide and illegal;



- b) Direct the respondents to deem the applicant to have been appointed from the year 2002 with all consequential benefits for all purposes and intents alongwith arrears fo salary etc with interest thereon @ 18% pa till date;

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 and ordered that **"the petitioner shall be deemed to be appointed on 1<sup>st</sup> may, 2003, alongwith all consequential benefits."**

Whereas the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No.EDN-H(2)B(2)3435/2020---CC dated 29.4.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per order passed by the Ho'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits are granted to the petitioners from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Whereas, the Government vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 has conveyed the approval to implement the order of the Hon'ble High Court of H.P. in similar situated matters, on case to case basis on the analogy of main case of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. subject to the final outcome of further legal remedy.

Whereas, After verification of record it is found that the petitioner of the present petition were also recommended by HPSSSB Hamirpur in the year of 2012 for the post of TGT(arts). However, in the meantime the whole process of appointment was withheld by the Govt. and later on the petitioner was appointed vide office order dated 21.02.2012 through same advertisement. Thereafter, her services were regularized in the year 2017. Further, in compliance of the orders of Hon'ble Himachal Pradesh Administrative Tribunal the petitioners were considered deemed regularized from the date of initial appointment on contract basis vide office order dated 31.01.2017 on the analogy of CWP No. 1811/2008-titled as Dev Raj Vs State of HP & other.

Whereas, meanwhile, “The Himachal Pradesh Recruitment and conditions of Service of Government Employees Act, 2024”(Act No. 23 of 2025) is notified by the Department Of Personnel Government of Himachal Pradesh on dated 19<sup>th</sup> February, 2025 and has come into force w.e.f. 20<sup>th</sup> February, 2025. The relevant provisions of the act ibid are reproduced below:-

**6. Extension of Service benefits”**

“(1) The service benefits available under various Central Civil Services Rules, as applicable in the state, the Himachal Pradesh Civil Services Rules, and other service benefits such as, Seniority, increment, promotion etc. shall be applicable only to the employees appointed on regular basis.

(2) No person working in any Government Department, who has not been appointed as per provisions of this Act and Rules made thereunder on regular basis shall be entitled to service benefits available under the various Central Civil Services Rules, as applicable in the state, the Himachal Pradesh Civil Services Rules and other service benefits such as seniority, increment, promotion etc.:

Provided that a person shall be entitled for service benefits only from the date of regularization of his services:

Provided further that a person whose services have been regularized after 12<sup>th</sup> December, 2003 shall be entitled to service benefits from the date of regularization, as if their services have been regularized under the provisions of this Act:

Provided also that the service benefits already extended to the persons for the service other than regular service shall stand withdrawn.”

**8. “Ammendment in Column 10 of the rules:**

“Notwithstanding anything contained in any judgment, decree or order of any court; law, rule, notification, order, etc., for the period commencing on and from 12<sup>th</sup> December, 2003 and ending on the date of commencement of this Act, in Column number 10 of the recruitment and promotion rules notified in exercise of powers conferred by proviso to article 309 of the constitution of India, the words “on contract basis”. or such similar words conveying the same meaning, wherever occurs, the words “by regularizations” shall be deemed to have always been substituted as if this Act had been in force at all material times:

Provided that the appointments, if any, already made on contract basis will be regularised or deemed to have been regularised under the provisions of this Act.”


**9. “Overrrding effect”**

“The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, rule, notification etc., if any.”



Whereas, after the enactment of act the office orders issued by this Department from time to time on the analogy of CWPOA No. 3435/2020-titled as Satish Kumar & others Vs State of HP & others and all other connected matters were withdrawn with immediate effect vide this Directorate office order dated 28.03.2025.

In view of the facts stated here-in-above, I am of the considered view that the petitioner of the present petition whose services have been regularized after **12<sup>th</sup> December,2003** cannot be considered deemed regularized from the date preceding to date of regularisation and hence not entitled for any other service benefits such as Seniority, increment, promotion etc. as the petitioner has not been appointed on regular basis as per provisions of this Act(Act No.23 of 2025).Hence, the representation of the petitioner of the present petition is hereby considered and rejected accordingly.


  
Director School Education  
Himachal Pradesh.  
June, 2025

Endst No:Even

Dated:-

Copy forwarded for information and n/a to:-

1. The Secretary (Education) to the Government of H.P.
2. The District Attorney, Directorate of School Education H.P. Shimla-01 w.r.t. CWP Ibid.
3. All the Dy. Directors of School Education of H.P.
4. The concerned Treasury Officer of HP.
5. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioner.
8. Nodal Officer, IT Cell, Dte. of School Edu. H.P. with the request to upload the same on Departmental website.
9. Guard file.

  
Director School Education  
Himachal Pradesh.

