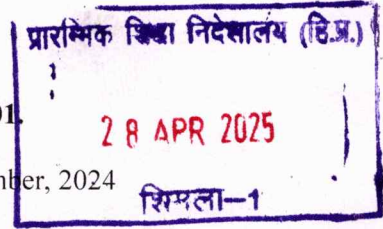


No:EDN-H(2)B(2)7109/2024---CC
Directorate of School Education,
Himachal Pradesh Lal Pani Shimla-01



Dated Shimla-171001the September, 2024

OFFICE ORDER

Whereas, in CWP No. 7109/2024 titled as Ram Lal and others Vs State of H.P. and ors the Hon'ble High court has passed the following orders/judgments:-

2. *"Taking into consideration the fact that the petitioners have directly approached this court without firstly making a representation to the employer viz-a-vis the reliefs being claimed in the petition, as prayed for, this writ petition is disposed of by granting liberty to the petitioners to file an appropriate representation to the respondent-Department vis-à-vis the issue raised in the present petition."*

3. *In the event of any such representation being filed withing two weeks; let appropriate decision thereupon be taken by the competent authority. Within eight weeks' as from the date of the receipt thereof. Pending miscellanrous application(s), if any stand disposed of accordingly."*

Whereas, after careful consideration of the representation of the petitioners it is found that the petitioners are seeking benfits on the analogy of CWPOA No. 3435/2020-titled as Satish kumar & others Vs State of HP & others and other connected matters.

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 Depatment 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-II-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 1st 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 these petitioners were also selected through HPSSB Hamirpur in the year of 2002 and their name was recommended for the post of TGT(Med/NM/Arts). However, in the meantime the whole process of appointment was withheld by the Govt. and later on some of the petitioners were selected vide office order date 27.08.2009 & 21.02.2012 through same advertisement. While the others petitioners were appointed on regular basis on the recommendations of HPSSSB Hamirpur in different years which were issued by HPSSSB Hamirpur in response of a different requisitions.

Whereas, the orders passed by Hon'ble High Court of HP in CWP No. 7109/2024 titled as Ram Lal and others Vs State of H.P. and ors was implemented by this Department vide office order of even No. dated 18.11.2024 in respect of those petitioners who were recommended by HPSSSB Hamirpur in the selection lists of the year 2002 & 2012.

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 19th February, 2025 and has come into force w.e.f. 20th 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 12th 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 12th 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-tittled 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 and provisions of the act stated here-in-above, I am of the considered view that the petitioners of the present petition were not appointed against the said posts which was advertised in the year 2002, rather they were appointed on regular basis on the recommendations of HPSSSB Hamirpur in the years 2006,2007 & 2008, which were issued by HPSSSB Hamirpur in response of a different requisitions and so their services cannot be considered deemed regularized w.e.f 01.05.2003. Further, those petitioners who were appointed on the posts which were advertised in the year 2002 and appointed on contract basis vide office orders dated 07.10.2008,24.08.2009 and 21.02.2012 cannot be considered deemed regularized from the date preceding to their date of regularisation as they were not appointed on regular basis as per provisions of this act (**Act No. 23 of 2025**) and hence not entitled for any other service benefits such as Seniority, increment, promotion etc.

The representations of the petitioners is hereby considered and rejected accordingly.



Director School Education
Himachal Pradesh.
April, 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 petitioners.
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.

