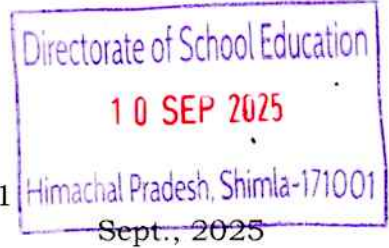


No. EDN-H(2)(Ele)B(9)-Sty.2018-19
Directorate of School Education
Himachal Pradesh, Lalpani Shimla -01
Dated Shimla-171001, the



OFFICE ORDER

Whereas, in the year 2002, the Department placed requisition to the Secretary, 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 this 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 the 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 vide office orders dated 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 Hon'ble Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates for the posts of TGT (Arts) 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 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 with 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 petitioners filed O.A. No. 3001/2018 titled as Satish Kumar & others Vs State of H.P. & others in the Erstwhile 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 registered with CWPOA No.

3435/2020 titled as Satish Kumar & others and State of H.P. & others 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 the order passed, by the Hon'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 were 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 accorded 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, the orders passed by the Hon'ble High Court of HP on the analogy of CWPOA No. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors alongwith CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs

State of H.P. and others and all other connected matters were implemented by this Department from time to time.

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. **As per 1st proviso under Section 6(2) of the HP Recruitment and Conditions of Service of Government Employees Act, 2024, a person shall be entitled for service benefits only from the date of regularization of his services. Further, 3rd proviso under Section 6(2) of the act ibid, provides that service benefits already extended to the persons for the service, other than regular service shall stand withdrawn. Besides section 7 of the Act, 2024, stipulates that the service benefits available under various CCS 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 a regular basis.**

Whereas, thereafter the matter was taken up with the Govt. vide letter No.EDN-H(2)B(2)3435/2020-CC dated 18.02.2025 & 04.03.2025 and Govt. vide letter No. EDUC-B015/10/2024 dated 26.03.2025, advised to examine the cases in light of HPRCS Act, 2024, and take appropriate action.

Whereas, after the enactment of Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024, notified by the Government of Himachal Pradesh on 20.02.2025, the office orders issued by this Directorate from time to time on the analogy of the on the analogy of CWPOA No. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors alongwith CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs State of H.P. were withdrawn with immediate effect vide this Directorate office orders No. EDN-H(2)B(2)3435/2023-CC dated 28.03.2025 & 10.04.2025.


Further, in another matter regarding deemed regularization i.e. CWPOA No. 1695/2019 titled as Ajay Kumar & others Vs State of H.P. & others was again taken up with Govt. and since the legal issue of applicability of HPRCS

Act was involved, the matter was referred to Ld. Advocate General who opined that "The judgment passed by Hon'ble High Court of HP qua deemed regularisation are not covered by the HPRCS Act, 2024, it is clarified that these judgments were accepted by the state more than a decade back hence such cases are not permissible to be opened in view of this Act, 2024."

Thereafter, the matter was again taken up with the Govt. of HP for direction/order vide various communications and the Govt. of HP vide letter No. EDNC-E(5)21/2023 dated 23.08.2025 has clarified that "the matter has been examined at Government level. It has been decided that the orders passed in CWPOA No. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors may be implemented as per advice rendered by the Ld. Advocate General, Himachal Pradesh on 13.08.2025 in a similar case of Execution Number 13/2025 in CWPOA No. 1695/2019 titled as Ajay Kumar Thakur & ors Vs State of HP."


Now, in view of the facts and circumstances stated here-in-above, the final Seniority list issued vide this office order No. EDN-H(2)EleB(9)-Tnt/Sty.2018-19, Dated 11-03-2025 shall remain stand and office order **No. EDN-H(2)(Ele)B(9)-Tent/Sty.2018-19, Dated 01.04.2025 are hereby withdrawn with immediate effect.**

All the concerned are informed accordingly.


DIRECTOR
School Education HP
Lalpani, Shimla-171001

Endst. No. Even: Dated Shimla - 171001 the Sept., 2025
Copy forwarded for information and further necessary action to:-

1. The Secretary (Education) to the Government of H.P.
2. All the Dy. Directors of School Education (Elementary) in H.P.
3. All the Principals/Headmaster. GSSS/GHS in H.P.
4. The Nodal Officer (IT) (Internal), Directorate of School Education HP with the direction to upload the same on the Departmental website.
5. Guard file


DIRECTOR
School Education HP
Lalpani, Shimla-171001