

No: EDN-H(2)B(2)-850/2025-CC-PHH

Directorate of School Education

Himachal Pradesh

Dated: Shimla-171001, the ____ July, 2025

ORDER

In the matter of CWP No. 850/2025 titled as Reena Devi Vs State of H.P. & Ors

Whereas, CWP No. 850/2025 titled *Reena Devi Vs State of H.P. & Ors* was filed by the petitioner before the Hon'ble High Court of Himachal Pradesh, seeking consideration of his representation in light of the judgments passed in *Nitin Kumar's case* (CWPOA No. 1077/2019), *Umesh Singh Jaswal's case* (CWP No. 5090/2022), and *Vinod Kumar Rana's case* (CWP No. 3957/2023).

And whereas, the Hon'ble High Court vide its judgment dated **10.01.2025** passed the following order:

"3. In view of the above, this writ petition is disposed of by directing the respondents/competent authority to consider and decide the aforesaid representation of the petitioner at Annexure P-9, in accordance with law, within a period of six weeks from today. The order so passed be also communicated to the petitioner. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any."

Whereas, the representation of the petitioner has been duly considered, wherein the petitioner has prayed that her initial contractual appointment be treated as regular, in line with the judgments mentioned above.

And whereas, after the perusal of the official record, the petitioner was initially appointed as **TGT (Arts)** on **contract basis** through PHH Batchwise recruitment vide Office Order No. EDN-H(2)B(2)-5&6/2020-11-PHH dated **11.08.2011**, and her services were regularized vide Office Order No. EDN-H(2)B(2)-34/2016-Regularisation-(Contract) dated **15.10.2016**.

Whereas, Now, "**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. "Amendment 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. "Overriding effect"

"The Provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in any other law, rule, notification etc., if any."

In view of the facts and the provisions of the act mentioned here-in above, I am of the considered view that the petitioner of the present petition, in light of the *Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024* (Act No. 23 of 2025), whose services have been regularized after 12th December, 2003, cannot be deemed regularized from the date of initial appointment on contract basis. As per the 1st proviso under Section 6(2) of the said Act, service benefits shall be admissible only from the date of regularization of services. Further, in terms of the 3rd proviso under Section 6(2), any service benefits already extended for the period other than regular service shall stand withdrawn. Additionally, as per Section 7 of the Act, service benefits under CCS Rules, Himachal Pradesh

Civil Services Rules, and other related benefits such as **seniority, increment, and promotion** shall be applicable only to employees appointed on regular basis. The appointment given to the petitioner in the year 2011 on contract basis is of a permanent nature only upon completion of five years of continuous service and is liable for regularization as per government instructions issued from time to time. Hence, the representation of the petitioners is hereby considered and **rejected accordingly**.

May inform the parties accordingly


Director, School Education
Himachal Pradesh, Lalpani, Shimla-1


Endst. No. Even

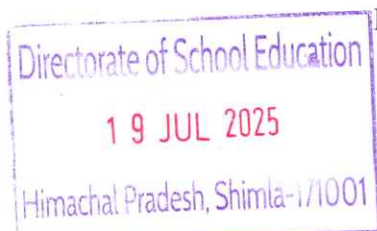
Dated:

___ July, 2025

Copy forwarded for information and necessary action to:

1. The Secretary (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of School Education, H.P., Shimla-01 w.r.t. CWP ibid.
3. The concerned Dy. Director of School Education, H.P.
4. The Nodal Officer, IT Cell, Dte. of School Education, H.P. for uploading on the Departmental website.
5. **Reena Devi d/o Sh Hari Singh. Set No 6, Type 3 Block 3, Misti Chamber Khalini, Shimla-2**
6. Guard File.


Director, School Education
Himachal Pradesh, Lalpani, Shimla-1



No: EDN-H(2)B(2)-10434/2023-CC-PHH

Directorate of School Education

Himachal Pradesh

Dated: Shimla-171001, the ____ July, 2025

ORDER

In the matter of CWP No. 10434/2023 titled as Sunil Kumar Vs State of H.P.

& Ors

Whereas, CWP No. **10434/2023** titled Sunil Kumar Vs State of H.P. & Ors was filed by the petitioner before the Hon'ble High Court of Himachal Pradesh, seeking relief in light of the judgments passed in Nitin Kumar's case (CWPOA No. 1077/2019), Umesh Singh Jaswal's case (CWP No. 5090/2022), and Vinod Kumar Rana's case (CWP No. 3957/2023).

And whereas, the Hon'ble High Court vide its judgment dated **27.12.2024** passed the following order:

"3. Learned counsel for the petitioner submitted that the issue involved and the reliefs prayed for by the petitioner have already been adjudicated Nitin Kumar Vs. State of HP and Anr.2. Learned counsel for the petitioner states that the petitioner would be content if the case of the petitioner is considered by the respondents in light of the aforesaid judgment within a time bound schedule. Learned Deputy Advocate General has no objection to this prayer.

4. Having regard to above submissions but without examining the merits of the matter, this petition is disposed of by directing the respondents to consider the case of the petitioner in light of the aforesaid judgment and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of copy of this order.

The decision so arrived at, shall be communicated to the petitioner. Pending miscellaneous application(s), if any, also to stand disposed of"

And whereas, after the perusal of the official record, the petitioner was initially appointed as **TGT (Med)** on **contract basis** through PHH (Merit) recruitment vide Office Order dated **11.05.2018**, and his services were regularized in **September 2021**.

Whereas the judgment passed in the Nitin Kumar's case (CWPOA No. 1077/2019) decided on dated 22.08.2022 states :

“15. In view of the above discussions, the petition is allowed. Respondents are directed to treat the appointment of the petitioner on regular basis from the date of his initial appointment i.e. 6.11.2006. The respondents are further directed to release all consequential benefits to the petitioner within eight weeks from the date of production of copy of this judgment by the petitioner before respondent No.2.

16. The petition is accordingly disposed of. Pending applications, if any, also stand disposed of.”

Whereas, In the case of Nitin Kumar (CWPOA No. 1077/2019), he was appointed on the post of Peon in the office of Child Development Project Officer, Una, District Una, H.P. vide order dated 6.11.2006, on contract basis having 90% permanent disability on account of hearing impairment. It is held that the said appointment was not in conformity with the relevant R&P Rules as there was no provision for making appointments on contract basis at the relevant point of time and whereas, the appointment of the present petitioner was made on contract basis strictly in accordance with the Recruitment and Promotion (R&P) rules that were in force at the time of his initial engagement. Hence, the case of the petitioner of the present petition is clearly distinguishable from that of Nitin Kumar's case (CWPOA No. 1077/2019).

Whereas, Now, **“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 there with contained in any other law, rule, notification etc., if any.”

In view of facts and provisions of the Act stated here-in-above, I am of the considered view that the case of the petitioner of the present petition is clearly distinguishable from that of Nitin Kumar’s case (CWPOA No. 1077/2019), as the contractual appointment of the present petitioner was made strictly in accordance with the applicable Recruitment and Promotion (R&P) rules, therefore, the analogy of Nitin Kumar’s case cannot be made applicable to the present matter. Furthermore, as per provisions of the act, **“The Himachal Pradesh Recruitment and conditions of Service of Government Employees Act, 2024”(Act No. 23 of 2025)** petitioners whose services have been regularized after 12th December, 2003 cannot be considered deemed regularized from the date of their initial appointment on contract basis, and hence they are 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). The appointment given to petitioner in the year 2018 on contract basis was of permanent nature i.e. after completion of two years continuous service, the contract service is liable for

regularization as per Government instructions issued from time to time. Hence, the case of the present petitioner is not similar to that of Nitin Kumar's (CWPOA No. 1077/2019) and the petitioner can not be deemed regular from the date of initial appointment, and is not entitled for any benefits such as **seniority, increment, promotion** etc.

May inform the parties accordingly



Director, School Education

Himachal Pradesh, Lalpani, Shimla-1

Endst. No. Even

Dated:

___ July, 2025

Copy forwarded for information and necessary action to:

1. The Secretary (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of School Education, H.P., Shimla-01 w.r.t. CWP ibid.
3. The concerned Dy. Director of School Education, H.P.
4. ☒ The Nodal Officer, IT Cell, Dte. of School Education, H.P. for uploading on the Departmental website.
5. **Sunil Kumar S/o Sh. Sher Singh Vill. Richhali P.O. Dhawali Tehsil Sarkaghat, Distt. Mandi, H.P.**
6. Guard File.



Director, School Education

Himachal Pradesh, Lalpani, Shimla-1



No: EDN-H(2)B(2)-7828/2024-CC-PHH

Directorate of School Education

Himachal Pradesh

Dated: Shimla-171001, the ____ July, 2025

ORDER

In the matter of CWP No. 7828/2024 titled as Shobha Ram Vs State of H.P. & Ors

Whereas, CWP No. 7828/2024 titled *Shobha Ram Vs State of H.P. & Ors* was filed by the petitioner before the Hon'ble High Court of Himachal Pradesh, seeking consideration of his representation in light of the judgments passed in *Nitin Kumar's case (CWPOA No. 1077/2019)*, *Umesh Singh Jaswal's case (CWP No. 5090/2022)*, and *Vinod Kumar Rana's case (CWP No. 3957/2023)*.

And whereas, the Hon'ble High Court vide its judgment dated **07.03.2025** passed the following order:

"4. Having regard to above submissions but without examining the merits of the matter, this petition is disposed by permitting the petitioner to file representation within two weeks, which shall be decided by the respondents /Competent Authority within six weeks from the date of receipt of the same, in accordance with law and also keeping in view the aforesaid judgment. The decision so arrived at, shall be communicated to the petitioner. Pending miscellaneous application(s), if any, also to stand disposed of"

Whereas, the representation of the petitioner has been duly considered, wherein the petitioner has prayed that his initial contractual appointment be treated as regular, in line with the judgments mentioned above.

And Whereas, the appointment of the present petitioner was made on contract basis strictly in accordance with the Recruitment and Promotion (R&P) rules that were in force at the time of his initial engagement, after the perusal of the official record, the petitioner was initially appointed as **TGT (Arts)** on **contract basis** through PHH Batchwise recruitment vide Office Order No. EDN-H(2)B(2)-5&6/2021-PHH dated **07.09.2021**, and his services were regularized vide Office Order No. EDN-H(2)B(2)-34/2023-Regularisation-(Contract) dated **04.11.2023**.

Whereas, Now, **"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. "Amendment 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. "Overriding effect"

"The Provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in any other law, rule, notification etc., if any."

In view of the facts and the provisions of the act mentioned here-in above, I am of the considered view that the petitioner of the present petition, in light of the *Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024* (Act No. 23 of 2025), whose services have been regularized after 12th December, 2003, cannot be deemed regularized from the date of initial appointment on contract basis. As per the 1st proviso under Section 6(2) of the said Act, service benefits shall be admissible only from the date of regularization of services. Further, in terms of the 3rd proviso under Section 6(2), any service benefits already extended for the period other than regular service shall stand withdrawn. Additionally, as per Section 7 of the Act, service benefits under CCS Rules, Himachal Pradesh

Civil Services Rules, and other related benefits such as **seniority, increment, and promotion** shall be applicable only to employees appointed on regular basis. The appointment given to the petitioner in the year 2021 on contract basis is of a permanent nature only upon completion of two years of continuous service and is liable for regularization as per government instructions issued from time to time. Hence, the representation of the petitioners is hereby considered and **rejected accordingly**.

May inform the parties accordingly

Director, School Education
Himachal Pradesh, Lalpani, Shimla-1

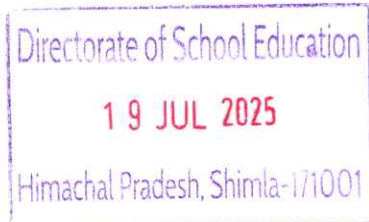
Endst. No. Even

Dated:

____ July, 2025

Copy forwarded for information and necessary action to:

1. The Secretary (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of School Education, H.P., Shimla-01 w.r.t. CWP ibid.
3. The concerned Dy. Director of School Education, H.P.
- ✓ 4. The Nodal Officer, IT Cell, Dte. of School Education, H.P. for uploading on the Departmental website.
5. **Sh. Shobha Ram S/o Sh. Indaru, R/o Village Kothi, P.O. Surah, Tehsil Balh, District Mandi, H.P.**
6. Guard File.



Director, School Education
Himachal Pradesh, Lalpani, Shimla-1

EDN-H(2)B(6)1-18/2024-25 (Court Case)

Directorate of Elementary Education

Himachal Pradesh Lalpani , Shimla-1

Dated:

Shimla-171001 the,

July, 2025

ORDER

In the matter :

CWP No. 9795/2025 titled as Bharti Tandon, TGT (Med.) Vs. State of H.P. & others.

The Petitioner, Smt. Bharti Tandon, TGT(Med)) filed CWP No. 9795/2025 titled as, Smt. Bharti Tandon, TGT (Med) Vs. State of H.P. before the Hon'ble High Court of H.P. against her transfer from GSSS, Banikhet Distt. (Chamba) to GSSS, Devi Kothi Distt. Chamba. The case of the petitioner was listed before the Hon'ble High Court, Shimla-2 on 18.6.2025, when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

"Without going into the merits of the case, deems it fit to dispose of the present petition reserving liberty to the petitioner file representation to the competent authority within three days for her adjustment at convenient station on account of foot injury, which shall be decided by the competent authority within two weeks. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity orders taking heard to the petitioner and pass appropriate orders taking note of advise rendered by the doctor attending upon the petitioner as well as Transfer Policy, which certainly enables an employee to seek transfer/adjustment on medical traounds. Till the time, representation, as detailed herin above, is not decided in terms of instatnt order, impugned transfer order dated 05.05.2022 (Annexure P-2) shall be kept in abeyance qua the petitioner. Pending applications, if any, stand disposed of.

In compliance to the aforesaid orders passed by the Hon'ble High Court the petitioner was called for personel hearing on dated. 17.07.2025 heard at length.

From the perusal of the record, it reveals that Smt. Bharti Tandon, TGT (Med.) who is U/t from GSSS, Bnikhet Distt. (Cba.) to GSSS, Devikothi Distt. (Chamba) and has already been adjusted at GHS, Dhalog Distt. (Chamba) vice Smt. Bharti Rathour TGT (Med.) vide this Directorate letter of even no. dt. 20.06.2025 with the prior approval of competent authority. With these observations, the representation of the petitioner is considered and disposed of accordingly.

DIRECTOR

Endst. No. Even Dated Shimla-171001.

July, 2025.

Copy for information is forwarded to:

1. The Distt. Attorney (Edu.) Directorate of Elementary Education Shimla-1.H.P
2. The Deputy Director of Elementary Distt. Chamba H.P.
3. The Principal/ Headmaster GSSS, Banikhet (Cba.)/ GSSS, Dhalog Distt. Chamba.
4. The Nodal Officer Directorate of Elementary Education Shimla, H.P
5. Guard File.

19 JUL 2025
DIRECTOR

Himachal Pradesh Shimla-171001

EDN-H(2)B(6)1-18/2024-25 (Court Case)

Directorate of Elementary Education

Himachal Pradesh Lalpani , Shimla-1

Dated:

Shimla-171001 the,

July, 2025

ORDER

In the matter :

CWP No. 9643/2025 titled as Parvesh Kumar, TGT (Med.) Vs.
State of H.P. & others.

The Petitioner, Sh. Parvesh Kumar, TGT(Med)) filed CWP No. 9643/2025 titled as, Sh. Parvesh Kumar, TGT (Med) Vs. State of H.P. before the Hon'ble High Court of H.P. against his transfer from GSSS, Sholi Distt. (Sml.) to GSSS, Lagru Distt. (Kgr.). The case of the petitioner was listed before the Hon'ble High Court, Shimla-2 on 20.6.2025, when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

"Consequently, in view of the above, present petition is disposed of as having been rendered infurtuous reserving liberty to the petitioner to file representation to the competent authority within one week, seeking therein transfer at a convenient station on account of adverse family circumstances, which shall be decided by the competent authority within two weeks taking note of Transfer Policy, which certainly enables an employee to seek transfer at a convenient station on account of adverse family circumstances. Pending applications, if any, stand disposed of.

In compliance to the aforesaid orders passed by the Hon'ble High Court the petitioner was called for personel hearing on dated. 17.07.2025 heard at length and has submitted fresh representation and requested to adjust him at Distt. (Kangra), Distt. (Hmr.) or Distt. Solan against vacancy/ longer stayee due to his family hardship.

From the perusal of the record, it reveals that Sh. Parvesh Kumar, TGT (Med.) was transferred from GSSS, Sholi Distt. (Sml.) to GSSS, Lagru Distt. (Kgr.) with the prior approval of the competent authority. I find it appropriate to adjust the petitioner to GSSS, Kuthar Distt. (Solan) against vacancy, without TTA/JT. With these observations, the representation of the petitioner is considered and disposed of accordingly.

DIRECTOR

Endst. No. Even Dated Shimla-171001.

July, 2025.

Copy for information is forwarded to:

1. The Distt. Attorney (Edu.) Directorate of Elementary Education Shimla-1.H.P
2. The Deputy Director of Elementary Distt. Shimla Distt. Solan H.P.
3. The Principal/ Headmaster GSSS, Sholi (Sml.) / GSSS, Kuthar Distt. Solan.
4. The Nodal Officer Directorate of Elementary Education Shimla, H.P.
5. Guard File.

