

No:EDN-H(III)BCWP No. 7684/2023 alongwith other CWPs  
Directorate of School Education,  
Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the June, 2025

In the matter of CWP No. 7684/2023 alongwith CWP Nos. 9835, 13595, 14313 of 2024 and 393 of 2025.

**ORDER**

Whereas, above court cases were filed by the various petitioners in the Hon'ble High Court of H.P to consider their representation in the light of judgement passed by the Hon'ble High Court of HP in Nitin Kumar's case CWPOA 1077 of 2019 and Umesh Singh Jaswal's case CWP No. 5090 of 2022. The Hon'ble High Court decided has decided the CWP No. 7684 of 2023 with CWP Nos. 4128 of 2019, 2094 of 2020, 9272, 9296, 9408, 9556, 9558, 9614, 10493, 10859 of 2023, 26, 175, 450, 1567, 3747, 3964, 6297, 9205, 9443, 9835, 9841, 9843, 12283, 12483, 12999, 13011, 13083, 13239, 13241, 13501, 13502, 13549, 13554, 13573, 13593, 13595, 13597, 14313, 14913, 15139, 15377, 15557, 16241 of 2024 & CWP No. 101, 185, 393, 395, 595 and 4667 of 2025 on 23.04.2025. Operative part of the judgment is as under:-

6. Consequently, in view of the aforesaid fair stand adopted by learned Additional Advocate General, this Court deems it fit to dispose of the present petitions, reserving liberty to the petitioners to file representations to the competent authority within a period of ten days, praying therein for consideration of their cases in light of judgments passed by Coordinate Bench of this Court in Pushpa Devi, Umesh Jaswal and Nitin Kumar (supra) which in turn, shall be decided by the competent authority 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 petitioners and pass speaking order. Pending applications, if any, stand disposed of.

In compliance to the directions of Hon'ble High Court the petitioners were called for personal hearing on 02.06.2025 and they attended the personal before the undersigned and were heard at length. During course of hearing they have requested that the case of the petitioners may kindly be considered in the light of the above judgment.

Whereas, the petitioner in present petitioners have represented for granting the benefits of regular appointment from the date of appointment on contract in light of the judgement passed by the Hon'ble High Court of HP in CWP No. 4299/2019 titled as Pushpa Devi Vs Himachal Pradesh University, Nitin Kumar's case CWPOA 1077 of 2019 Vs State of HP & others and Umesh Singh Jaswal's case CWP No. 5090 of 2022 Vs State of HP & others.

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 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. "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 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. "Overriding effect"**

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

Therefore, I am of the considered view that the petitioners involved in the above court cases, whose services have been regularized after 12<sup>th</sup> December 2003, cannot be considered for deemed regularization from the date of their initial appointment/joining on contract basis in view of facts/provisions contained in the above Act. Hence, the representations of the petitioners are hereby considered and rejected accordingly.

Inform all the concerned accordingly.

*u*  
Director of School Education,  
Himachal Pradesh, Shimla-1

June, 2025

Endst. No: Even

Dated:-

Copy Forwarded for information and n/a to:-

1. The Secretary, (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. CWPs ibid.
3. The Dy. Directors of Elementary Education Bilaspur/Chamba/Hamirpur/Mandi of H.P.
4. The Nodal Officer, IT Cell, Dte. Of School Edu. H.P. to upload the same on official website.
5. Sh. Sohan Singh S/o Sh. Baldev Ram, Vill. Danoon, P.O. Sundla, Tehsil Salooni, Distt. Chamba, H.P.
6. Mrs. Anamika Kanoongo wife of Sh. Salil Sood, resident of M/S Boota Ram Anuj Kumar, Near PNB Bank, Herbal Garden Road, Jogindernagar, Post Office and Tehsil Jogindernagar, District Mandi, Himachal Pradesh.
7. Ms. Shabeena Anjum D/o Sh. Mohamd Aslam, R/o Dhoulra Sector, Tehsil Sadar, District Bilaspur, H.P, presently serving as Language Teacher at GSSS Saloa, District Bilaspur, H.P.
8. Sh. Praveen Kumar S/O Sh. Roshan Lal, R/O V.P.O. Amroh, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.
9. Guard file.

Directorate of School Education

16 JUN 2025

Himachal Pradesh, Shimla-171001

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Director of School Education,  
Himachal Pradesh, Shimla-1