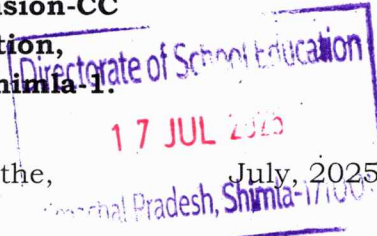


No.:EDN-H(2)B(2)2/2024-Pension-CC

**Directorate of School Education,
Himachal Pradesh Lalpani Shimla-1.**



Dated Shimla-the 171001 the,

July, 2025

OFFICE ORDER

Whereas, various judgments have been passed by the Hon'ble High Court of HP in numerous CWPs to consider and decide the representations made by the petitioners in light of the judgement passed by the Hon'ble High Court of HP in CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. / CWP No. 2411 of 2019 titled as Jagdish Chand Vs State of HP/ CWPOA No. 3477 of 2020 titled as Smt. Prabha Kanwar through her legal heirs/ CWP No. 15312/2024- titled as Kamaljeet Kaur Sidhu Vs State of HP and others/ CWPOA No.195 of 2019, titled as Sheela Devi vs. State of H.P. & others and all other connected matters regarding counting the contractual services rendered by the petitioners followed by regularization for the purpose of pension and increments.

Whereas, in Sheela Devi's case, the Department of Finance (Pension) Department, the Govt. of H.P. vide Office Memorandum No. Fin(Pen)E(I)-I/2020, dated 10th June 2024 has issued directions to count the contractual service followed by regular appointment on same post by way of "Regularization Policy" of the Government for pensionary benefits under the CCS(Pension)Rules, 1972.

And whereas, the orders passed by Hon'ble High Court of HP in various cases the service rendered by petitioners in various petitions on contract basis followed by regular appointment were counted for the purpose of pensionary benefits under CCS (Pension) Rules, 1972, vide office orders issued by this Department from time to time.

Whereas, the counting of contract services for increments has held stayed by the Hon'ble Apex Court of India in SLP(CIVIL) Diary No.(s) 8008/2025 in State of HP & others Vs Ram Chand & Ors on dated 04.04.2025.

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:-

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 therewith contained in any other law, rule, notification etc., if any.”

12. Repeal and savings

(1) All rules, notifications, etc. made or notified in exercise of the powers conferred by the proviso to article 309 of the constitution of India, which are contrary to the provisions of this Act, are hereby repealed.

(2) Without prejudice to the provisions contained in the Himachal Pradesh General Clause Act, 1968 with respect to repeals, any rule made under the proviso to article 309 of the constitution, any notification, rule, order, appointment, decision, direction, approval, authorization, consent, application, request or thing made, issued, give, done except to the extent that a provision may be inconsistent with the provisions of this Act, continue to be in force and shall have effect as if made under the corresponding provisions of this Act."

Furthermore, the Department of Personnel to the Govt. of HP vide its letter No. PET(AP)-C-A(3)-6/2024 dated 20.02.2025 stated that "Any action inconsistent to the provisions of this act may be viewed seriously for which the concerned Appointing Authority shall be responsible"

Whereas, Government of HP in consultation with the Finance Department has issued the instructions vide letter No. EDN-B-E(3)-13/2024 dated 01.07.2025 as under:-

"Examined in the Finance(Pension) Department in consultation with Law Department. The Department (Education) is well aware of the fact that the State Government has enacted the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 and same has come into force w.e.f. 20.02.2025 vide notification No. Per (AP) - C - A(3) -6/2024 dated 19.02.2025. 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.

Therefore, in view of provisions of the Act, 2024 the Government instructions dated 10.06.2024 with regard to counting of contractual services for grant of pensionary benefits under CCS(Pension) Rules, 1972 have become in-fructuous. Accordingly, the

Department(Education) is advised to examine and decide the cases as detailed in the present matter as well as other similar situated cases, at its own level"

In view of the facts stated here-in-above, I am of the considered view that the petitioners of those petitions whose petitions/representations are decided on the analogy of CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. / CWP No. 2411 of 2019 titled as Jagdish Chand Vs State of HP/ CWPOA No. 3477 of 2020 titled as Smt. Prabha Kanwar through her legal heirs/ CWP No. 15312/2024- titled as Kamaljeet Kaur Sidhu Vs State of HP and others/ CWPOA No.195 of 2019, titled as Sheela Devi vs. State of H.P. & others and all other connected matters and whose services have been regularized after **12th December,2003** are **not entitled count the contractual service followed by regular appointment on same post by way of "Regularization Policy" of the Government for pensionary benefits under the CCS(Pension)Rules, 1972 and increments as the petitioners have not been appointed on regular basis as per provisions of this Act(Act No.23 of 2025)**. Hence, the cases/representations of all the petitioners as well as non petitioners are hereby considered and rejected accordingly. It is further ordered that if any such benefits have been extended to any person/persons, the same as well as the Office order of even No. issued by this Directorate on dated 13.03.2025 shall stand withdrawn with immediate effect.

Directorate of School Education
17 JUL 2025
Himachal Pradesh, Shimla-171001

All the petitioners are informed accordingly.


Director School Education,
Himachal Pradesh.

No.:EDN-H(2)B(2)/2024-Pension-CC

dated July, 2025

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to the Government of H.P. w.r.to their letter No. EDN-B-E(3)-13/2024 dated 01.07.2025
2. All the concerned Dy. Directors of Elementary/Higher Education of H.P with the direction that all such matters may strictly be dealt in accordance with "The Himachal Pradesh Recruitment and conditions of Service of Government Employees Act, 2024"(Act No. 23 of 2025)".No further clarification will be issued in the similarly situated cases separately.
3. The Principal/Headmaster of GSSS/GHS/GMS of H.P. for similar necessary action.
4. The Dealing Assistant(Internal), Seniority Seat/Pay Fixation Seat, TGTs.
5. The Nodal Officer, IT Cell, Dte. of School Edu. H.P. with the request to upload the same on Departmental website of this Directorate.
6. The Guard file.


Director School Education,
Himachal Pradesh.