

No. EDN(SE)-H(2)B(2)-Option(NPS to OPS)

Directorate of School Education

Himachal Pradesh, Lalpani Shimla -01

Dated Shimla-171001, the

October, 2025

To

All the Deputy Directors of School Education
Himachal Pradesh.

Subject; Regarding option of NPS to OPS beyond period of 60 days vide notification of
Finance Department of HP, dated 04.05.2023.

Sir/Madam,

On the subject matter, it is intimated that, the Department of Finance(Pension) Govt. of HP vide notification dated 04.05.2023 invited employees to exercise option for National Pension System(NPS) to Old Pension Scheme(OPS) within 60 days from the date of issuance of these instructions. However, at that relevant time many employees who were superannuated from their services are not eligible for OPS due to condition of 10 years of regular service for pensionary benefits under OPS. Hence, no option was exercised by the employees/retirees at that time.

Later, many petitioners were considered deemed regularized from their date of initial appointment/joining on contract basis vide this Directorate vide office orders issued from time to time as per the approval conveyed by the Govt. vide letter No. EDN-C-E(3)3/2020 dated 15.05.2024 & No. EDNC-E(5)21/2023, dated 23.08.2025 in compliance to the orders passed by the Hon'ble High Court of HP in various writ petitions on the analogy of CWP No. 414/2014- titled as Kuldeep Chand Vs State & others alongwith LPA No. 54/2013 titled as State of HP Vs Om Prakash, and all other connected matters.

Further, due to the retrospective regularisation from the initial date of appointment on contract basis, the employees/retirees became eligible for Old Pension Scheme thereby completing the qualifying service of 10 years for pensionary benefits. But, the pensionary cases of the employees/retirees are rejected as they have exercised option after the prescribed period of 60 days as per notification dated, 04.05.2023.

Thereafter, feeling aggrieved, the incumbents have filed various petitions in the Hon'ble High Court of HP for fresh option under Old Pension Scheme, the date from which they became eligible, even after the lapse of two months as was given by the Department of Finance notification dated, 04.05.2023.

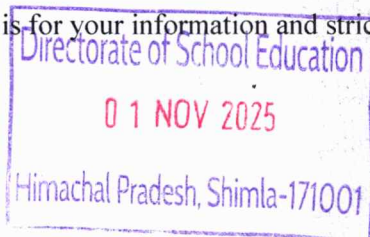
However, In similar cases i.e. CWP No. 7097/2024 titled as Phool Mati Vs State of HP & others and CWP No. 7138/2025 titled as Lachhman Dass Thakur Vs State of HP & others the Hon'ble High Court has enabled the petitioners to give fresh option for OPS


even after the lapse of two months as was given by the Finance Department to exercise the option for OPS vide notification dated 04.05.2023.

Thereafter, the matter was taken up with the Govt. vide letter No. EDN(SE)-H(2)B(2)-Option(NPS to OPS), dated 17.09.2025 & 29.09.2025 and Govt. vide letter No. EDN-C-E(3)/3/2020, dated 28.10.2025 directed to apprise factual position of the case to AGHP, that Smt. Champa Devi, TGT(Retd.) is entitled for her pension, as the benefit of deemed regularization has been given to her as per the orders passed by the Hon'ble High Court of HP in CWP No. 414/2014 titled as Kuldeep Chand and ors etc as conveyed vide this Department letter of even No. dated 15.05.2024.

Therefore, in view of the above it is hereby directed that in this case and other similar cases the factual position of the case may be apprised to AGHP, that they became entitled for pensionary benefits in lieu of the benefits of deemed regularisation as per orders passed by the Hon'ble High Court of HP in CWP No. 414/2014- titled as Kuldeep Chand Vs State & others alongwith LPA No. 54/2013 titled as State of HP Vs Om Prakash, and all other connected matters as these cases stand implemented after the approval conveyed by the Govt. and have attained finality.

This is for your information and strict necessary action.





DIRECTOR
School Education HP
Lalpani, Shimla-171001

Endst. No. Even: Dated Shimla – 171001 the October, 2025

Copy forwarded for information and further necessary action to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. No. EDN-C-E(3)/3/2020 dated 28.10.2025.
2. The Ld. District Attorney (Internal) Directorate of School Education, HP with the direction to request the Hon'ble High Court of HP that AGHP Shimla and Finance Department GoHP may be pleaded as party in CWP No. 10089/2025 and all such similar cases i.e. 3054/2025, 3856/2025 & 3858/2025 etc.
3. All the Principals/Headmaster/Incharge, GSSS/GHS/GMS in H.P. for similary necessary action.
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