

No.EDN-HE(19)B(5)-06/10
Directorate of School Education
Himachal Pradesh

Dated Shimla-171001,

May, 2025

OFFICE ORDER

Whereas, petitioners were initially engaged in the department on contract basis as per government policy decision from time to time. Later on these teachers were regularized after putting 02 to 08 years continuous contract service. After regularization they have filed various court cases on the analogy of CWP No. 2004 of 2017 titled as Taj Mohammad and others and Hon'ble High Court has directed to decide the representations.

And whereas the claim for seniority in LPA 36/2010 titled as Sita Ram Vs State of HP has been rejected by the Hon'ble High Court in respect of Ad-hoc appointees. In case of Taj Mohammad CWP No. 2004/2017 seniority was allowed from contract appointment only to those petitioners who were appointed on contract basis after following the procedure prescribed in R&P Rules. However after Government of HP notification dated 19 February, 2025 has notified the date of implementation of, "The HP Recruitment and conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025)" which provides that seniority will be given from regularization.

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 there under 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 word's "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 regularized or deemed to have been regularized under the provisions of this Act."

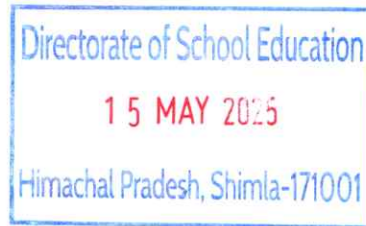
9."Overriding effect"

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

Now, I have gone through facts and circumstances of the case, the service benefits of incumbents recruited after 12.12.2003 is to be regulated as per HIMACHAL PRADESH RECRUITMENT AND CONDITIONS OF SERVICE OF GOVERNMENT EMPLOYEES ACT 2024(Act No 23 of 2025). The seniority from contract service is not admissible and seniority will be allowed from regular service. Hence, all the representation received till date in this directorate from petitioner and non-petitioner are hereby considered and rejected.

May inform the parties accordingly.

These orders are available on departmental website.
https://himachal.nic.in/index.php?dpt_id=16&lang=1



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Director School Education
Himachal Pradesh

Endst. No:Even

Dated:-

May, 2025

Copy Forwarded for information and n/a to:-

1. The Secretary, (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of School Education H.P. Shimla-01
3. All the Dy. Director of School (Higher) Education of H.P.
4. All the Principal in GSSSs of the state.
5. The Nodal Officer, IT Cell, Directorate of School Education H.P. to upload the same on Departmental website.
6. All the petitioners.
7. Guard File.

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Director School Education
Himachal Pradesh