

No:EDN-H(2)B(2)10436/2025---CC  
Directorate of School Education,  
Himachal Pradesh Lal Pani Shimla-01.

Directorate of School Education

17 JUL 2025

Dated Shimla-171001

the Himachal Pradesh, Shimla-171001

**OFFICE ORDER**

Whereas, in CWP No. 10436/2025 titled as Sher Singh Vs State of H.P. and ors the Hon'ble High court of HP has passed the following orders/judgments on dated 30.06.2025:-

*"3. Looking to the nature of the grievance raised in this writ petition, it would in the interest of justice to direct Competent Authority to consider and decide the aforesaid representation (Annexure P-1) of the petitioner in accordance with law and as per applicable policy within a period of three weeks from today. Ordered accordingly. The order so passed be also communicated to the petitioner.*

*The writ petition stands disposed of in the above terms. All pending miscellaneous application(s), if any, to also stand disposed of."*

Whereas, after careful consideration of the representation of the petitioner of the present petition, it is observed that the petitioner is seeking benefits to count services rendered by him on contract basis and also as para teacher may be counted for all intents and purposes.

Whereas, the petitioner was engaged as TGT(NM) on contract basis in GHS Batheri, Distt. Mandi and worked as such w.e.f. 18.02.1997 to 28.02.1997 and further, engaged as TGT(NM) on contract basis GHS Sudhar, Distt. Mandi w.e.f. 02.10.1997 to 28.10.1999. Thereafter, the petitioner was engaged as Para Teacher in GSSS Padhar, Distt. Mandi and worked as such w.e.f. 06.11.2003 to 25.06.2007. Consequently, the petitioner was appointed afresh TGT(NM) in the Department on regular basis in 26.06.2007.

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."

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 1<sup>st</sup> 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 services rendered the petitioner of the present petition on contract basis and as para teacher cannot be counted for service benefits as 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. Hence, the representation of the petitioner of the present petition is hereby considered and rejected accordingly.

  
Director School Education  
Himachal Pradesh, Shimla-I  
July, 2025

Endst. No. Even Dated: Shimla-01, the

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. CWP ibid.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
3. The Deputy Director of Elementary Education Mandi, Distt. Mandi(HP).
4. The Principal, GSSS Padher, Distt. Mandi(HP).
5. Sh. Sher Singh, S/O Sh. Tula Ram, Ram, aged 54 years, R/O Village and P.O. Sudhar, Tehsil Padhar, Distt. Mandi, Himachal Pradesh
6. The In-charge IT Cell(Internal) to upload the same on departmental website of this Directorate.
7. The DA dealing with TGTs Pay fixation/ ACPs for necessary information.

  
Director School Education  
Himachal Pradesh, Shimla-I

