

No.EDN-H(19)B(1)-6/11-12-Appointment(Court Case)
Directorate of School Education
Himachal Pradesh

Dated Shimla-171001 July, 2025

OFFICE ORDER

Whereas, petitioners have been appointed against reserved vacancies of Specially abled Persons on contract basis and they have filled CWP's for regular appointment instead of contract being specially abled persons. The detail of CWP as under:

Sr.No.	Case No.	Titled
1	CWP No. 7855/2024 date of decision 25.04.2025	Rajesh Kumar vs State of HP
2	CWP No. 9272/2023 connected cases date of decision 23.04.2025	Manoj Kumar and other lecturers vs State of HP
3.	CWP No. 15557/2024 connected cases date of decision 23.04.2025	Ramana Devi vs State of HP.
4.	CWP No. 9408/2023 connected cases date of decision 23.04.2025	Pusp Raj and others vs State of HP.
5.	CWP No. 9614/2023 connected cases date of decision 23.04.2025	Partap Singh and others vs State of HP.

Whereas, The petitioners in present petitions have claimed 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 Nitin Kumar's case CWPOA 1077 of 2019, Umesh Singh Jaswal's case CWP No. 5090 of 2022 and connected cases.

Whereas, Government of Himachal Pradesh has taken policy decision on 12.12.2003 that the mode of recruitment by contract appointment may also be prescribed in addition to other mode of recruitment in the Recruitment and Promotion Rules. Accordingly the contract provision was inserted in R&P Rules of Lecturer cadre on 11.06.2009. The approval to fill up posts of Lecturer School cadre/PGT cadre in various subjects "on contract basis" was conveyed by Government from time to time. All the recruitment have been made as per approval of AD on contract basis. The Recruitment & Promotion Rules of PGT cadre were notified on 20.9.2010 and cadre was further renamed as Lecturer (School- New) on 19.08.2019. The Petitioners were rightly offered appointment on contract basis and were regularized as per Government Policy with other counter parts having completed requisite continuous contract service. The appointment given to the Petitioner on Contract basis is of permanent nature as the Contract service is followed by regularization as per Government policy.

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 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 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."

The Hon'ble High Court of HP has ordered to decide the representations of the petitioners.

And whereas, the Government has notified HP Recruitment and Conditions of Service of Govt. Employees Bill, 2024 wherein it has been mentioned that after 12.12.2003 contractual will be entitled for service benefit after regularization only.

Now therefore, in view of facts and circumstances and going through the claim of petitioners nothing was concealed from petitioners when posts were advertised and all posts were filled as per Govt. approval from time to time. Now HP Government has notified Himachal Pradesh Recruitment and Conditions of Service of Govt. Employees Act, 2024 (Act No. 23 of 2025) the petitioners are not entitled for benefit of regular appointment from initial contract appointment hence the claim is considered and rejected.

May inform the parties accordingly.

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 School Education H.P. Shimla-01.
3. All the concerned Dy. Director of School Education of H.P.
4. All the concerned Principal Govt. Sr. Sec. Schools of HP.
5. The Nodal Officer, IT Cell, Dte. of School Edu. H.P. to upload the same on Departmental website.
6. Guard File.

DIRECTOR

July, 2025



DIRECTOR