

No. EDN-H (Ele.)(2)B(9)01/2012(Gen.)New-ACPs.

Directorate of School Education,
Himachal Pradesh Shimla-171001

Dated: Shimla-171001 the

April, 2025

10 APR 2025

Directorate of School Education

Himachal Pradesh, Shimla-171001

"OFFICE ORDER"

Whereas, various cases have been decided by the Hon'ble High Court of HP in numerous CWPs and various judgments have been passed by the Hon'ble High Court of HP in many CWPs to consider and decide the representations made by the petitioners in light of the judgment passed by the Hon'ble High Court of HP in CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. & Ors alongwith CWPOA No.6850 of 2020 titled as Milat Ram and others Vs State of H.P. and others and all other connected matter and In CWP No. 414/2014 titled as Kuldeep Chand V/s State of H.P. & ors. /CWPOA No. 2782/2019 titled as Narender Singh Thakur & others V/s State of H.P. & other (connected with LPA No. 54/2013 titled as State of H.P. & Ors V/s Om Prakash & others alongwith LPA No. 21/2013 filed in CWP No. 75602/2010 titled as Om Prakash V/s State of H.P. and others.) and all other connected matters.

And whereas, as per approval received from the Govt. in the above said CWP's, the department has implemented the order of Hon'ble High Court of H.P. and considered the petitioners as deemed regularized from the initial date of appointment/joining. Accordingly, the department has also awarded the benefit of ACPs (under new ACPS scheme 4-9-14) to the petitioners (who were deemed regularized) vide office order number EDN-H(Ele.)(2)B(9)01/2012(Gen.)New-ACPs issued from time to time.

And whereas, now "The HP Recruitment and conditions of Service of Govt. Employees Act 2024"(Act No.23/2025) is notified by the Department of Personnel to the Government of Himachal Pradesh on dated 07.02.2025 and has come into force w.e.f. 20.02.2025. 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:-

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 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, after the enactment of act the office orders issued by this Department in numerous writ petitions from time to time on the analogy of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. & Ors alongwith CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs State of H.P. and others and all other connected matter and in CWP No. 414/2014 titled as Kuldeep Chand V/s State of H.P. & ors. /CWPOA No. 2782/2019 titled as Narender Singh Thakur & others V/s State of H.P. & other (connected with LPA No. 54/2013 titled as State of H.P. & Ors V/s Om Prakash & others alongwith LPA No. 21/2013 filed in CWP No. 75602/2010 titled as Om Prakash V/s State of H.P. and others.) and all other connected matters were withdrawn with immediate effect vide this Directorate office order No. EDN-H(2)B(2)3435/2020 and EDN-H(2)B(2)54/2013-CC dated 28.03.2024.

In view of the above, the benefit of ACPs (4-9-14) awarded to the petitioners who were deemed regularized vide office order number EDN-H(Ele.)(2)B(9)01/2012(Gen.)New-ACPs issued from time to time are hereby withdrawn with immediate effect. All the concerned are informed accordingly.

Endst No. Even Dated Shimla-171001

Copy for information and necessary action to:-

1. The Secretary (Education) to the Government of H.P.
2. The Director of Higher Education, H.P., Shimla-171001.
3. All the concerned Dy. Directors of Elementary/Higher Education of H.P.
4. All the concerned Principal/Headmaster of GSSS/GHS/ GMS with the direction to initiate the recovery /withdrawal process of the ACPs benefit which are extended to any such person.
5. Incharge, I.T. Cell, Directorate of Elementary Education, H.P. Shimla-1 with the direction to upload this letter on departmental website.
6. Guard file.


DIRECTOR
April, 2025




DIRECTOR

