

No: EDN-H(2)B(2)2004/2017-CC
Directorate of Elementary Education
Himachal Pradesh Lal Pani Shimla-01

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
25 FEB 2025
शिमला-1

Dated Shimla-171001 the,

February, 2025

OFFICE ORDER

Whereas, various judgments have been passed by the Hon'ble High Court of HP in numerous CWPs to consider and decide the representations made by the petitioners. After careful consideration of the representations the petitioners are seeking benefits in light of the judgment passed by the Hon'ble High Court of HP in CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors alongwith CWP No. 629 of 2023.

Whereas, the operative part of the judgment passed by the Hon'ble High Court of H.P. in CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors dated 03.08.2023 is reproduced as under:-

"Therefore, as the foundation of the order passed by the learned Tribunal, subject matter of these writ petitions, was the judgment of this Court in Narender Singh Naik's case (supra), which judgment itself was based on the Five Judge Bench judgment of the Hon'ble Supreme Court in Direct Recruit's case (supra), and as the learned Tribunal rightly held that the services rendered by the original applicants on contract basis were liable to be counted for the purpose of seniority and consequential benefits after their regularization, as the initial appointment of the original applicants on contract basis was after following the procedure prescribed in the Recruitment & Promotion Rules, we do not find any infirmity in the said findings and further as we do not find any merit in the writ petitions, the same are dismissed by upholding the order passed by

the learned Tribunal. No order as to costs. Pending miscellaneous applications, if any, stand disposed of.”.

And whereas, the said judgment was assailed by the State Government by way of filing SLP (C) No. 25641-42/2023 before the Hon'ble Supreme Court of India and the same was dismissed by the Hon'ble Apex Court on 04.10.2023. Also the Department of Food & Civil Supply HP thereafter filed review petition before the Hon'ble High Court of HP which was also dismissed by Hon'ble High Court of HP.

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* regarding **“Extension of Service benefits”** are reproduced below:-

“(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."

In view of the facts stated here-in-above, I am of the considered view that the petitioners of those petitions which are decided on the analogy of CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors alongwith CWP No. 629 of 2023 and whose services have been regularized after **12th December, 2003** are not entitled for any benefits such as Seniority, increment, promotion etc. of contract services rendered by them before regularization. Hence, the representations of the petitioners as well as non petitioners are hereby considered and rejected accordingly. It is further ordered that if any such benefits have been extended to any person/persons, same shall stand withdrawn with immediate effect.

All the petitioners are informed accordingly.



Director Elementary Education,

Himachal Pradesh, Lalpani, Shimla-1

EndstNo:Even Dated:- Shimla- the February, 2025

Copy forwarded for information and n/a to:-

1. The Secretary (Edu.) to the Govt. of H.P. w.r.t. Department of Personnel to the Govt. Of HP Notification No. PER(AP)-C-A(3)-6/2024 dated 19.02.2025 and letter No. PER(AP)-C-A(3)-6/2024 dated 20.02.2025.
2. The Director Higher Education Himachal Pradesh Shimla-01.
3. The District Attorney, Directorate of Elementary Education H.P. Shimla-01.
4. All the Dy. Director of Elementary/Higher Education of HP.
5. All the concerned Principals/Headmasters/Incharge, GSSS/GHS/GMS of HP.
6. The Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. to upload the same on Departmental website.
7. The Dealing Assistant, Seniority Seat (Internal), Dte. of Elem. Edu. HP.
8. Individual concerned.
9. Guard file.


Director Elementary Education
Himachal Pradesh, Lalpani, Shimla-1

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Dated Shimla-171001 the March.2025

CORRIGENDUM

Please read "CWP No. 629 of 2018" instead of "CWP No. 629 of 2023" in the office order of even no. dated 25.02.2025. in the matter of CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors. Other terms & conditions of the order shall remain unchanged.


DIRECTOR

Endst. No. Even Dated Shimla the March.2025

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