

No:EDN-H(2)B(2)15009/2024---CC
Directorate of School Education,
Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001the

June, 2025

OFFICE ORDER

Whereas, in CWP No. 15009/2024 titled as Rajat Mahajan and another Vs State of H.P. and ors the Hon'ble High court of HP has passed the following orders/judgments:-

“3. Accordingly, this writ petition is disposed of with the direction that in the event of the petitioners filing independent representations, with regard to the issues raised in the writ-petition, within a period of 3 weeks from today, let the same be decided, in view of the averments contained therein, within a period of 8 weeks' as from the date of receipt thereof. Pending miscellaneous application(s), if any, also stand disposed of.”

Whereas, after careful consideration of the representation of the petitioners of the present petition dated 12.09.2024, it is observed that the petitioners are seeking benefits of counting the contractual service rendered by them for the purpose of earned leave on the analogy of CWP No. 5043/2022- titled as Sunita Sangroli Vs State of HP and others.

Whereas, the judgment passed by the Hon'ble High court of HP in CWP No. 5043/2022- titled as Sunita Sangroli Vs State of HP and others is reproduced as under:

“13. In result, the petition is allowed. Office memorandum dated 06.07.2020 (Annexure P-7), is quashed and set aside. Respondents are directed to grant benefit of earned leave to the petitioner from the initial date of contract appointment i.e. 25.06.1997 within eight weeks from today. 14. The petition is, accordingly, disposed of, so also the pending miscellaneous application(s), if any.

Whereas, the Govt. of Himachal Pradesh vide their letter No.EDN-B-E(3)-4/2024 dated 01.08.2024 clarified regarding accumulation of earned leave from date of regularization of services retrospectively in compliance to the judgment passed by the Hon'ble High Court of Himachal Pradesh in CMP No. 16892 of 2023 Sunita Sangroli versus State of Himachal Pradesh & Ors. decided on 05.01.2024 vide which it is directed to implement the order of Hon'ble High Court and credit the earned leave in the account of petitioners i.e. Sunita Sangroli (in CWP No. 5043/2022 and Praveen Kumar (in Ex Pet. No. 551 of 2024) alongwith other similarly situated petitioners with effect from initial date of their regularization without any financial benefits.

Whereas, in compliance to the orders passed by Hon'ble High Court of HP and further approval conveyed by the Govt. vide letter dated 01.08.2024, the department has implemented the said judgement vide office order No. EDN-H(2)B(8)11/2023-Leave(Court Cases) dated 17.12.2024.

Whereas, meanwhile, "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. Ammendment 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 and as per provisions of the act ibid the office order issued by this Department on dated 17.12.2024 regarding counting of contract services for the purpose of earned leave on the analogy of CWP No. 5043/2022- titled as Sunita Sangroli Vs State of HP and others were withdrawn with immediate effect vide this Directorate office order EDN-H(2)B(8)11/2023-Leave(Court Cases) dated 08.05.2025.

In view of the facts stated here-in-above, I am of the considered view that the petitioners of the present petition whose services have been regularized after **12th December, 2003** are not entitled for counting of contract services for the purpose of earned leave on the analogy of CWP No. 5043/2022- titled as Sunita Sangroli Vs State of HP and others as the petitioners have not been appointed on regular basis as per provisions of this Act (Act No.23 of 2025). Hence, the representation of the petitioners of the present petition is hereby considered and rejected accordingly.

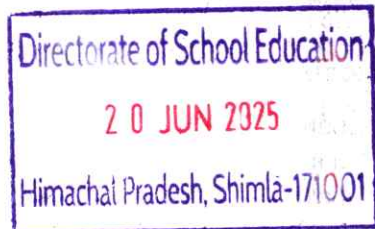
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Director School Education
Himachal Pradesh.
June, 2025

Endst No:Even

Dated:-

Copy forwarded for information and n/a to:-

1. The Secretary (Education) to the Government of H.P.
2. The District Attorney, Directorate of School Education H.P. Shimla-01 w.r.t. CWP Ibid.
3. All the Dy. Directors of School Education of H.P.
4. The concerned Treasury Officer of HP.
5. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioners.
8. Nodal Officer, IT Cell, Dte. of School Edu. H.P. with the request to upload the same on Departmental website.
9. Guard file.



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Director School Education
Himachal Pradesh.