

No:EDN-H(2)B(2)3435/2020-CC

**Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.**

प्राथमिक शिक्षा निदेशालय (हि.प्र.)

28 MAR 2025

Dated Shimla-the 171001 the,

March, 2025

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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 judgement passed by the Hon'ble High Court of HP in CWP 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 matters.

Whereas, during the year 2002, the Department placed requisition to HPSSSB Hamirpur to fill-up 224 posts of TGT (Arts), 247 posts of TGT (NM) and 273 posts of TGT (Medical) on regular basis. In response to the Department requisition, the Secretary, HPSSSB, Hamirpur after completion of all codal formalities recommended the selection list of TGT NM & Medical vide letter No.HPSSSB-B(2)258/2002-3533 dated 10.12.2002 & No.HPSSSB-B(2)259/2002-3532 dated 10.12.2002. The name of the petitioners were also in the recommendation list of TGT Medical. The Recommendation of TGT (Arts) was not received as the personal interview was not held by the Secretary, HPSSSB, Hamirpur at that time. Thereafter, whole process of appointment and interview was stopped due to vigilance inquiry and as per Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13.03.2003. Later on, the Govt. vide its letter No: Shiksha-II-kha (1)3/98-Loose dated 28.8.08 & 30.7.09 accorded approval to appoint TGT Medical and TGT Non-Medical purely on contract basis as recommended by the HPSSSB, Hamirpur in the year of 2002 and accordingly the Department offered appointment to the eligible candidates as well as petitioners as TGT (Medical) & TGT (NM) purely on contract basis on 07.10.2008 & 24.08.2009 respectively. **The selection process for the post of TGT Arts was not completed by HPSSSB, Hamirpur in the year of 2002 as the interview process was not started by HPSSSB, Hamirpur in the year of 2002 and the same was completed in the year of 2012 as per order of the Hon'ble High Court of H.P. passed in CWP No: 3513/2009—Manoj Kumar Vs State of H.P. and others dated 03.08.2010**

from the stage it was stopped. In compliance of the High Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates of TGT (A) vide letter No. HP.SSSB-B(2)-257/2002-40499 dated 17.10.2011. Thereafter, as per approval conveyed by the Government vide letter No. Shiksha-II-kha(1)3/98-Vol-II dated 16.2.2012, appointment was offered by the Department to the selected candidates as well as petitioners vide office order No. EDN-H(2)B(2)6/2011-Arts-HPSSSB dated 21.02.2012.

Whereas, later on as per approval conveyed by the Govt. vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme court passed in Special Leave to Appeal (C).....CC No(s)1171/2017 on dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Thereafter, feeling aggrieved from this Department office order No.EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 vide which seniority numbers were allotted to the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur on the basis of requisition of 2002, Sh. Satish Kumar & five others filed O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & others in the Hon'ble H.P. Administrative Tribunal for the following relief:-

- a) Quash the impugned Office orders dated 05.04.2018 (Annexure A-14 and 15) being arbitrary, malafide and illegal;
- b) Direct the respondents to deem the applicant to have been appointed from the year 2002 with all consequential benefits for all purposes and intents alongwith arrears fo salary etc with interest thereon @ 18% pa till date;

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 and ordered that **"the petitioner shall be deemed to be appointed on 1st may, 2003, alongwith all consequential benefits."**

Whereas, the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No.EDN-H(2)B(2)3435/2020---CC dated 29.04.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per order passed by the Hon'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits are granted to the petitioners from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Further, in compliance to orders passed by Hon'ble High Court of HP and also the approval conveyed by your good office vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 the judgments have been already implemented in favour of 400 petitioners (approx.) in different CWPs subject to final outcome of SLP(C) Dy. No. 22215/2022 titled as the State of Himachal Pradesh Vs Satish Kumar & Ors.

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 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.”

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. 3435/2020 titled as Satish Kumar & ors Vs State of H.P. & Ors /CWPOA No. 6850 of 2020 titled as Milat Ram and others Vs State of H.P. and others/ CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others and all other connected matters whose services have been regularized after **12th December,2003** cannot be considered deemed regularized from the date of their initial appointment/joining on contract basis and hence not entitled for any other service benefits such as Seniority, increment, promotion etc. as the petitioners have not been appointed on regular basis as per provisions of this Act(Act No.23 of 2025).Hence, the cases/representations of the all 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. प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

No:EDN-H(2)B(2)3435/2020-CC Dated

March, 2025

28 MAR 2025

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Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to the Government of H.P.
2. All the concerned Dy. Directors of Elementary/Higher Education of H.P.
3. The concerned Treasury Officer.
4. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. **with the direction to initiate the recovery/withdrawal process of the benefits which are extended to any such person/persons** on the analogy of CWP 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 matters. whose services have been regularized after **12th December,2003** and **further directed to send the compliance report to this Directorate immediately.**
5. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
6. The Petitioner concerned.
7. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
8. The Guard file.

Director Elementary Education,
Himachal Pradesh.