

EDN-H(2)B(2)1/2024-Pro-C&V/JBT-Arts/Med/NM-TET-Court Cases  
Directorate of School Education.  
Himachal Pradesh.  
Dated: Shimla-171001, April, 2025

Whereas, the officials of the Education Department have filed various separate CWPs before the Hon'ble High Court of HP viz. CWP 9379/2024 Ashwani Kumar Vs State of H.P & others, CWP No. 8958/2024 Kanishak Singh vs State of H.P & others and CWP No. 9032 of 2024 Pawan Kumar vs State of H.P. and other similar situated cases. In the said petitions, the Hon'ble High Court in its orders issued on different dates has given directions to the respondents to consider the case of the petitioner for further promotion to the post of TGT the cases of these officials in the light of the judgment delivered in CWP No. 2004/2017 Taj Mohammad Vs state of HP vide which the Hon'ble High Court has upheld the decision of the Hon'ble Tribunal that the services.

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 19<sup>th</sup> February, 2025 and has come into force w.e.f. 20<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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."

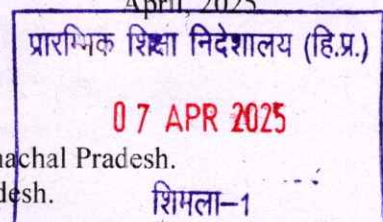
Whereas, after the enactment of act the office orders issued by this Department in numerous writ petitions/representations from time to time on the analogy of CWP No. 2004/2017 Taj Mohammad Vs state of HP and all other connected matter were withdrawn with immediate effect vide this Directorate office order No. EDN-H(2)B(2)2004/2017 dated 25.02.2025.

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 in CWP No. 2004/2017 Taj Mohammad Vs state of HP and all other connected matters, 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

April, 2025



Endst No. Even Dated Shimla-171001  
Copy for information and necessary action to:-

1. The Secretary (Education) to the Government of Himachal Pradesh.
2. The Director of Higher Education, Himachal Pradesh, Shimla-171001.
3. All the concerned Dy. Directors of Elementary/Higher Education of Himachal Pradesh.
4. All the concerned Principal/Headmaster of GSSS/GHS of Himachal Pradesh.
5. The Petitioners concerned.
6. Incharge, I.T. Cell (Internal), Directorate of Elementary Education, Himachal Pradesh Shimla  
- 1 with the direction to upload this letter on departmental website.
7. Guard file.

  
DIRECTOR