

Dated Shimla-171001

Apr., 2025

**OFFICE ORDER**

**Whereas,** 12767/2024 titled as Chhotu Ram Vs State of H.P. & ors was filed by the petitioner in the Hon'ble High Court of H.P to consider his representation in light of the judgment passed by the Hon'ble High Court of HP in Nitin Kumar's case CWPOA 1077 of 2019, Umesh Singh Jaswal's case CWP No. 5090 of 2022, CWP No.5124 of 2022 titled as Kunj Bihari Vs state of HP, 4299 of 2019 titled as Pushpa Devi Vs State of HP and connected matters and the Hon'ble High Court on 06.12.2024 decided the case by giving the decision as under:-

*"The writ petitions have been filed for the grant of following substantive relief(s) extracted from one of the writ petitions:-*

*"a). This Hon'ble Court may kindly be pleased to direct the respondents by way of issuance of Writ of Mandamus to consider the petitioners as having been appointed against the post of PTs in different streams under disabled quota pursuant to office order dated 14th July, 2011 on regular basis for all intents and purpose and further this Hon'ble Court may be pleased to issue a Writ of Certiorari quashing the word 'contract' from the appointment letter Annexure P-2 and granting them regularization from the date of their initial appointments.*

*b) This Hon'ble Court may further be pleased to issue a Writ of Mandamus directing the respondent State to pay to the petitioners all the emoluments as they are entitled at par with regular employee in the establishment of respondent department w.e.f. 14-07-2011 with all consequential benefits including counting the period for the purpose of seniority etc."*

3. *According to the petitioners, the legal issue involved in the cases has already been adjudicated upon. The grievance of the petitioners is that their respective representations have still not been decided by the respondents/competent authority*

4. *Once the legal principle involved in the adjudication of present petition has already been decided, it is expected from the welfare State to consider and decide the representation of the aggrieved employee within a reasonable -3- time and not to sit over the same indefinitely compelling the employee to come to the Court for redressal of his grievances. This is also the purport and object of the Litigation Policy of the State. Not taking decision on the representation for months together would not only give rise to unnecessary multiplication of the litigation but would also bring in otherwise avoidable increase to the Court docket on unproductive government induced litigation.*

5. *In view of above, these writ petitions are disposed of by directing respondents/competent authority to consider and decide the respective representations of the petitioners, in accordance with law within a period of six weeks from today. The order so passed be also communicated to the petitioners. The writ petitions stand disposed of in the above terms, so also the pending miscellaneous application(s), if any".*

Whereas, The petitioner in present petition has represented for granting the benefits of regular appointment from the date of appointment on contract in light of the judgement passed by the Hon'ble High Court of HP in Nitin Kumar's case CWPOA 1077 of 2019, Umesh Singh Jaswal's case CWP No. 5090 of 2022 and connected cases.

The Recruitment & Promotion Rules of PGT cadre were notified on 20.9.2010 and cadre was further renamed as Lecturer (school- New) on 19.08.2019. As per provision of R & P Rules Government has conveyed approval to fill-up 214 posts of Lecturer (School-New) on contract basis. Accordingly, all the appointments were made on contract basis. The Petitioner was rightly offered appointment on contract basis and is to be regularized as per Government Policy with all counter parts having completed requisite contract service. The appointment given to the Petitioner on Contract basis is of permanent nature as the Contract service is followed by regularization as per Government policy.

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. 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 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 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 word's "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 regularized or deemed to have been regularized 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."

Now, I have gone through facts and circumstances of the case, the service benefits of incumbents recruited after 12.12.2003 is to be regulated as per HIMACHAL PRADESH RECRUITMENT AND CONDITIONS OF SERVICE OF GOVERNMENT EMPLOYEES ACT 2024 (Act No 23 of 2025). The appointment given to petitioner in the year 2022 on contract is of permanent nature as after completion of two years continuous service the contract service is liable for regularization as per Government instructions issued from time to time.

Hence, the representation of the petitioner is hereby considered and rejected accordingly.

Directorate of School Education

21 APR 2025

Himachal Pradesh, Shimla-171001

May inform the parties accordingly.

  
DIRECTOR

1. Sh. Chhotu Ram S/o Sh. Mast Ram, Vill. Peja, VPO  
Khashdhar, Tehsil Chirgaon, District Shimla HP

Endst. No

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Dated

April, 2025

Copy Forwarded for information and n/a to:-

1. The Secretary, (Education) to the Govt. of H.P.
2. The District Attorney, Directorate of School Education H.P. Shimla-01
3. The concerned Dy. Director of school Education of H.P.
4. The Principal GSSS Summerkot District Shimla.
- ✓ 5. The Nodal Officer, IT Cell, Dte. of School Edu. H.P. to upload the same on Departmental website.
6. Guard File.

  
DIRECTOR

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