

COURT MATTER
TROUGH WEBSITE

No. EDN-H(2)B(8)11/2023-Leave

Directorate of School Education.

Himachal Pradesh.

Dated: Shimla-171001, May, 2025

Office Order

Whereas, the officials of the Education Department have filed various separate CWPs before the Hon'ble High Court of HP on the analogy of CWP No. 5043 of 2022 titled as Sunita Sangroli vs State of HP & Others decided on dated 08.08.2023 regarding accumulation of earned leave from date of regularization of services retrospectively in compliance to the judgments passed by the Hon'ble High Court of Himachal Pradesh and other similar situated cases. The concluding para of Hon'ble High Court decision is ***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.***

And 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 now, **"The Himachal Pradesh Recruitment and conditions of Service of Government Employees Act, 2024"**(Act No. 23 of 2025) has been 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 above, the benefit of Earned Leave awarded to petitioners who were deemed regularized is hereby withdrawn and office order No.EDN-H(2)B(8)11/2023-Leave-(Court Cases) dated 17.12.2024 is also withdrawn with immediate effect. 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.

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DIRECTOR

Endst No. Even Dated Shimla-171001

May, 2025

Copy for information and necessary action to:-

1. The Secretary (Edu.) to the Government of Himachal Pradesh for information please.
2. The Director of Higher Education, Himachal Pradesh, Shimla-171001.
3. All the concerned Dy. Directors of Elementary/Higher Education of H.P.
4. All the concerned Principal/Headmaster of GSSS/GHS of Himachal Pradesh.
5. The Petitioners concerned.
6. Incharge, I.T. Cell (Internal), Directorate of ^{School} Elementary Education, Himachal Pradesh Shimla -1 with the direction to upload this letter on departmental website.
7. District Attorney School Education/Supdt. Legal Cell (Upper).
8. Guard file.



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