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No. EDN-HE(1)E(3)-2025-Court Cases
Directorate of Higher Education
Himachal Pradesh

Dated Shimla, the

November, 2025

OFFICE ORDER

Whereas, the petitioner Sh. Yashwani Kumar was appointed as Clerk at Govt. High School Jiskoon Dodra Kewar Distt. Shimla against the vacant post of Clerk on contingent paid/daily wage basis on 01.07.1999 purely on temporary basis by the Naib Tehildar-cum Principal Govt. Sr. Sec. School Dodra Kewar Distt. Shimla in single line Administration at Dodra Kerar. Thereafter, his services was regularized on 22.07.2009. Feeling aggrieved by this offer, petitioners filled CWP No. 13455 of 2025 titled as Yashwani Kumar Vs State of HP & Anr.

Whereas, The petitioner in present petition has represented for granting the benefits of regular appointment w.e.f. 01.07.2007 instead of 24.07.2009, placement of Junior Assistant w.e.f. 01.07.2012 instead of 24.07.2014 and promotion of Sr. Assistant 01.07.2017 instead 31.12.2019.

Whereas, the petitioner was appointed purely on contingent paid/daily wage on 01.07.1999, the decision taken by the Government of Himachal Pradesh, Department of Personnel (Ap-III) dated 09.09.2008 and decided that contract appointees in all the Departments who have completed 8 years of continues service as on 31.03.2008 shall be eligible for regularization subject to the conditions.

Whereas, the petitioner taking in to the consideration of 8 years of continue service as daily wages basis & recommendation of screening committee constituted as Directorae level services of the petitioners was regularized and accordingly placement to Jr. Assistant on 28.02.2015 and promoted to Senior Assistant on 31.12.2019.

Whereas, as per the order of the Hon'ble High Court opportunity of being heard was given to the petitioner on 04.11.2025 at 10:30 am in the Office Chamber of the Director of Higher Education and the petitioner was present on schedule date and time.

Whereas, now a bill, "**Himachal Pradesh Recruitment and conditions of service Bill, 2024**" has been passed by the Govt. of Himachal Pradesh Vidhan Sabha with regard not to count contractual services for the purpose of seniority, increment and other service benefits. The Government of HP vide notification dated 19th February, 2025 pleased to appoint the 20th February, 2025 as the date on which the provision of the aforesaid act shall come into force.

Further, the Government of HP, vide letter dated 20.02.2025 has requested all the quarters of Government of HP to comply the provision of the ibid act in letter and spirit while deciding the matters covered under this act.

Section 6 & 9 of the said act are reproduced herein;

Section 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 the provisions of this Act and rules made there under 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.

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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 also 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.


Section 9 - Overriding Effect :-

The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, rule, notification etc., if any.

Therefore, on the perusal of provision provided in sub section 2 of section 6 of the Act, the benefit of seniority and other benefits can only be given after the date of regularization of services.

In view of above facts and circumstances, I am of the view that the petitioner of **CWP No. 13455/2025 titled as Yashwani Kumar Vs State of HP & Anr** & whose services have been regularized after **12th December, 2003** are not entitled for any benefits such as seniority, increment, promotion and other financial benefits of contractual/daily wage services rendered by them before regularization. Hence, the representation of the petitioner is hereby considered and stand rejected in light of the "Himachal Pradesh Recruitment and conditions of service Bill, 2024" and notification of the Government dated 09.09.2008.

These orders are also available on Departmental website education.hp.gov.in.

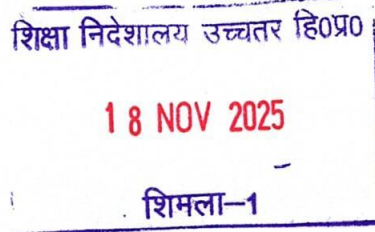

(Dr. Amarjeet K. Sharma)
Director Higher Education
Himachal Pradesh


Endst No. Even. Dated : Shimla, the

November, 2025

Copy for information and necessary action is forwarded to the:-

1. The Secretary (Education) to the Government of Himachal Pradesh.
2. Ld. Distt. Attorney, Directorate of Higher Education HP Shimla-01.
3. Deputy Director of Higher Education Kullu Distt. Kullu HP.
4. The Nodal Officer, IT Cell DHE, HP to upload the same on Departmental website.
5. The dealing Asstt., Seniority Seat (Internal) DHE, H.P.
6. **(Regd. Post)** Sh. Yashwani Kumar S/o Biru Singh Village Thachwa, PO Rampur, Tehsil-Nirmand, Distt. Kullu (HP)
7. Guard file.




Director Higher Education
Himachal Pradesh