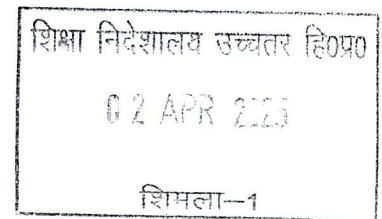


No.EDN-H(19)B(5)-06/10
 Directorate of Higher Education
 Himachal Pradesh



Dated Shimla-171001, the April, 2025

OFFICE ORDER

Whereas, Smt. Babita Rani was hired on 12.06.1998 as Lecturer in Chemistry on contract basis. Later on her services have been regularized in the department w.e.f 01.01.2007. She has filed CWP No. 4366/2024 titled as Babita Rani Vs State of HP where in Hon'ble High Court has directed on 14.11.2024 that

"Having regard to the afore-submissions, but without examining the merits of the matter, this writ petition is disposed of with a direction to respondent No.2/competent authority to consider and decide the aforesaid representation of the petitioner dated 03.03.2024 (Annexure P-5) in accordance with law as well as taking into consideration the above judgment in the case of Taj Mohammad within a period of six weeks from today. The decision so arrived at shall also be communicated to the petitioner. It is clarified that all rights and contentions of the parties are left open. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any. It is clarified that all rights and contentions of the parties are left open. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any."

And whereas Babita Rani was engaged in the department as per contractual policy of 1994. According to contract policy a candidate of Local Employment Exchange participated in selection process and initially it was a stop gap arrangement. Whereas according to R&P rule of Lecturer School Cadre the cadre is a State Cadre. These contractual teachers were later on regularized in the department as per Govt. decision which is a generous gesture on part of Govt. since after regularization they have been give regular scale and is treated at par with other regular employee. This generous gesture shown by the Government is in deviation of the normal channel of recruitment. In Annexure P-5 petitioner namely Smt. Babita Rani has claimed contract period seniority with all consequential benefits in view of judgment passed by Hon'ble High Court in CWP No. 2004/2017 titled as Taj Mohammad and others Vs State of H.P.

And whereas the claim for seniority in LPA 36/2010 titled as Sita Ram Vs State of HP has been rejected by the Hon'ble High Court in respect of Ad-hoc appointees. In case of Taj Mohammad CWP No. 2004/2017 seniority has been allowed from contract appointment only to those petitioners who were appointed on contract basis after following the procedure prescribed in R&P Rules. However after Government of HP notification dated 19 February, 2025 has notified the date of implementation of, "The HP Recruitment and conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025)" which provides that seniority will be given from regularization.

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And Whereas further the Government of HP, vide letter dated 20th February, 2025 has requested to all the quarters of Government of HP, to comply the provisions of the ibid act in letter and spirit while deciding the matters covered under this act.

Section 6 is reproduced herein;

Section 6. Extension of service benefits-

(1) The service benefits available under various Central Civil Extension of service Services Rules, as applicable in the State, the Himachal Pradesh Civil benefits. Services Rules and other service benefits like, 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 various Central Civil Services Rules, as applicable in the State, the Himachal Pradesh Civil Services Rules and other service benefits like, 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 also be entitled for the 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.

Now therefore, In view of facts and circumstances and in compliance to Hon'ble High court directions in CWP No. 4366/2024 and perusal of Annexure P-5, the initial appointment of Smt. Babita Rani on contract basis was a stop gap arrangement and she has failed to get selected to post of Lecturer Chemistry through competitive selection process. Therefore claim of petitioner to get seniority is not covered in Taj Mohammad case. Moreover after HP Recruitment and conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025)" benefits like, seniority, increment, promotion etc. are admissible from regularization only. The claim of petitioner for purpose of seniority, promotion, increment and pensionary benefit is considered and rejected.

May inform the parties accordingly.



(Dr. Amarjeet Kumar Sharma)
Director Higher Education
Himachal Pradesh Shimla-1
Email: dir.edu@rediffmail.com
Tel. No. 0177-2656621

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

April, 2025

1. The Ld. Distt. Attorney (Education), Directorate of Higher Education w.r.t. CWP No. 4366/2024 titled as Babita Rani Vs State.
2. The Principal GSSS Paloura, Distt. Kangra Himachal Pradesh.
3. Individual concerned.
4. Technical Officer (Internal) with the direction to upload the same on departmental website.
5. Guard File.



Director Higher Education
Himachal Pradesh

