No. EDN-HE(1)B(4)01/2025-Comp. Apptt. CC
Directorate of Higher Education
Himachal Pradesh Shimla-1

Dated: Shimla-171001 the, 09, February, 2026

शिक्षा निदेशालय उच्चतर

09 FEB 2026

शिमला-1

Office Order

Whereas, the petitioners are appointed as Clerks/JOA(IT) on contract basis in the department under Kith and Kin Policy of Government formulated on 18.01.1990 and its subsequent amendments. They are claiming regular appointment instead of contract as per R&P Rules of Clerks/JOA(IT) in vogue at the time of their initial appointment.

And whereas, these petitioners have filed various court cases before the Hon'ble High Court of HP and order passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 7309 of 2025 and 12796 of 2025, is as under: -

"Consequently, in view of the above, this Court without going into the merits of the case deems it fit to dispose of the present petition with a direction to the respondents to consider and decide the pending representation (Annexure P-7) of the petitioner expeditiously, preferably within a period of six weeks in light of Vikas Kumar's case (supra)".

And whereas, as per Recruitment and Promotion Rules of Clerks dated 28.12.1973 all the appointments were made on regular basis in the department by way of direct recruitment. The Government of Himachal Pradesh vide letter No. PER(AP)C-B(19)2/98-Part-II dated 12.12.2003 directed that the mode of recruitment by way of "Contract recruitment" may also be prescribed in addition to other mode of recruitment in all the Recruitment and Promotion Rules. Accordingly, the provision of Contract recruitment was prescribed in Recruitment Rules of Clerk on dated 13.04.2007. Thereafter, all the appointments by way of direct recruitment were made on contract basis and services were regularized as per Government instructions issued from time to time.

And whereas, the employment on compassionate grounds which Government/Department provides to the dependents of Government servants who die while in service is not in any way a matter of right. It is given only in deserving cases where the family of deceased Government servant is left in indigent circumstances requiring immediate means of subsistence. The appointment on compassionate grounds can be made only against direct recruitment quota posts and candidate should possess the minimum educational and technical qualifications prescribed for the post prescribed in recruitment rules.

And whereas, the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 8032 of 2021 titled as Vikas Kumar Vs State of Himachal Pradesh & Others on dated 23.06.2025 is as under: -

"In view of above, this writ petition is allowed. Impugned order dated 13.03.2025 is quashed and set aside subject to costs of Rs. 10,000/-, payable by respondent No .2 to the petitioner. Fresh orders strictly in terms of decision render in CWP No. 8553 of 2022 be passed within three weeks from today. The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

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. 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 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.:

Provided that a person shall be entitled for service benefits only form 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."Ammendment 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 word's "on contract basis". or such similar words conveying the same meaning, wherever

10

IT Cell

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 therefore, after examining the case thoroughly in compliance to orders passed by the Hon'ble High Court of HP in above cases, I have reached to the conclusion that the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 8032 of 2021 titled as Vikas Kumar Vs State of HP is being further challenged and not attained finality. The contract appointment given under draft R & P Rules to these incumbents are in order. Therefore, the representations of the petitioners and non-petitioners regarding claiming regular appointment instead of contract are considered and rejected as per law. May inform the parties accordingly.

(Dr. Amarjeet K. Sharma)
Director Higher Education
Himachal Pradesh Shimla-1

Endst. No. Even Dated: Shimla-171001 the, 09, February 2026

Copy forwarded for information and necessary action to:-

1. The Secretary Education to the Government of Himachal Pradesh Shimla-2.
2. The Director School Education Himachal Pradesh Shimla-1 is also requested to decide the similar cases as per Himachal Pradesh Recruitment and conditions of Service of Government Employees Act, 2024.
3. Ld. Distt. Attorney, Directorate of Higher Education Himachal Pradesh. (Internal)
4. All the Deputy Director Higher Education Himachal Pradesh.
5. The Superintendent Legal Cell Directorate of Higher Education Himachal Pradesh. (Internal)
6. The Superintendent, IT Cell to upload the same on departmental website.
7. Guard file.

शिक्षा निदेशालय उच्चतर हि0प्र0
09 FEB 2026
शिमला–1

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