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

Dated Shimla, the October, 2025

OFFICE ORDER

Whereas, the judgment in COPC **1048 in CWP No. 13104 of 2024 titled as Dutta Singh & ors Vs State of HP & another** has been passed by the Hon'ble High Court of HP to consider and decide the representation made by the petitioners in light of the judgment passed by the Hon'ble High Court of HP in CWP No. 2004/2017 titled as Taj Mohammad Vs State of HP & ors alongwith CWP No. 629 of 2023.

And whereas, the operative part of the judgment passed by the Hon'ble High Court of HP in CWP No. 2004/2017 titled as Taj Mohammad Vs State of HP & ors dated 03.08.2023 is as under:-

" Therefore, as the foundation of the order passed by the learned Tribunal, subject matter of these writ petitions, was the judgment of this court in Narender Singh Naik's case (supra), which judgment itself was based on the five Judge Bench Judgment of the Hon'ble Superme Court in Direct Recruit's case(supra), and as the learned Tribunal rightly held that the services rendered by the original applicants on contract basis were liable to be counted for the purpose of seniority and consequential benefits after their on contract basis was after following the procedure prescribed in the Recruitment & Promotion Rules, we do not find any infirmity in the said findings and further as we do not find any merit in the writ petitions, the same are dismissed by upholding the order passed by the learned Tribunal. No order as to costs. Pending miscellaneous applications, if any, stand disposed of."

And whereas, the said judgment was assailed by the State Government by way of filing SLP (c) No. 25641-42/2023 before the Hon'ble Supreme Court of India and the same was dismissed by the Hon'ble Apex Court on 04.10.2023. Thereafter, the Department of Food and Civil Supplies, HP filed review petition before the Hon'ble High Court of HP which was also dimissed by Hon'ble High Court of HP.

Whereas, contract provision was inserted in R&P Rules of Clerk cadre on 13.04.2007 and accordinlgy all the appointments have been made by the Department to the Post of Clerk on contract basis and regularized as per the Government directions/approval from time to time as per prevailing R&P Rules of 2007 & 2014.

Whereas, now there is provision of contractual employment that the R&P Rules for the cadre in vogue do not have any seperate provision for regular appointment in direct/quota recruitment. The Petitioner was rightly offered appointment on contract basis and was regularized as per Government Policy with other counter parts having completed requisite continuous contract service.

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 Governement of HP vide notification dated 19th February, 2025 pleased to appoint the 20th Febuary , 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 :-

(17) 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.

(18) No person working in any Government Department, who has not been appointed as per the 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 also b entitled to service benefits from the date of regularization, as if their services have been regularized under th provisions of this Act :

Provided also that the service benefits aleardy extended to the persons for the service other than regula service shall stand withdrawn.

Section 9 - Overriding Effect :-

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

Therefore, on the perusal of proviso provided in sub section 2 of section 6 of the Act, the benefi 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 considered view that the petitioners of those petitions which are decided on the analogy of CWP No. 2004/2017 titled as Taj Mohammad Vs State of HP and ors alongwith CWP No. 629 of 2023, whose services have been regularized after **12th December, 2003** are not entitled for any benefits such as seniority, increment, promotion etc. of contract services rendered by them before regularization Hence, the representations of the petitioners as well as non petitioners i.e. Clerks(s) are hereby considered and stand 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.

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

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

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25 OCT 2025
शिमला–1

Regd Post

1. Dutta Singh S/o Puran Chand Village Dhaniara, Post Office Rail, Tehsil Nadaun, District Hamirpur, HP
2. Parul Malik D/o Mr. Stephenson r/o Vill Behot, Post Office Chobin, Tehsil Baijnath, District Kangra HP
3. Amita Kumar D/o Mr. Jagdev Singh, care of Mr. Ajit Singh Kanwar r/o House No. 98, Ward No. 04, Anu Kalan (Kohlari) District Hamirpur, HP
4. Rakhi Rani D/o Mr. Rattan Singh, wife of Mr. Rakesh Kumar, r/o Village Bhagwal Bharmar, Tehsil Jawali District Kangra HP

Endst No. Even. Dated : Shimla, the October, 2025

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

1. The Secretary (Education) to the Government of Himachal Pradesh w.r.t. Department of Personnel to the Govt. of HP Notification No. PER(AP)-C-A(3)-6/2024, dated 19.02.2025 and letter No. PER(AP)-C-A(3)-6/2024, dated 20.02.2025.
2. The Director of School Education, Himachal Pradesh, Shimla-01
3. Ld. Distt. Attorney, Directorate of Higher Education HP Shimla-01.
4. All the concerned Deputy Directors of Higher Education in Himachal Pradesh.
5. All the Principal of Govt. Degree College of HP
6. All the concerned Principal/HM GSSS/GHS of HP
7. The Nodal Officer, IT Cell DHE, HP to upload the same on Departmental website.
8. The dealing Asstt., Seniority Seat(Internal) DHE, H.P.
9. Guard file.

Director Higher Education
Himachal Pradesh

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