

**DIRECTORATE OF TECHNICAL EDUCATION
VOCATIONAL AND INDUSTRIAL TRAINING
HIMACHAL PRADESH SUNDERNAGAR**

No. 567

Dated:- 05/03/2025

Office Order

During the past few years many employees of the Technical Education Department have made many Civil Writ Petitions/representations for seeking benefits 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 H.P. & Ors alongwith CWP No. 629 of 2023.

Whereas, the operative part of the judgment passed by the Hon'ble High Court of H.P. in CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors dated 03-08-2023 is reproduced 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 Supreme 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 regularization, as the initial appointment of the original applicants 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 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. Also the Department of Food & Civil Supply HP

thereafter filed review petition before the Hon'ble High Court of HP which was also dismissed by the Hon'ble High Court of H.P..

Whereas, Now, **"The Himachal Pradesh Recruitment and condition of Services 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* regarding " Extension of Service benefits" 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 services benefits such as, seniority, increment, promotion, etc. shall be applicable only to the employee 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 thereunder on regular basis shall be entitled to service benefit available under the various Central Services Rules, as applicable in the State, the Himachal Pradesh Civil Service Rule 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:

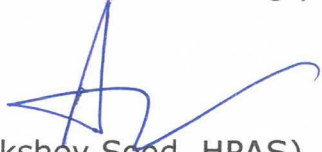
Provided further that a person whose services have been regularized after 12th December, 2003 shall also be entitled to service benefit from the date of regularization, as if their services have been regularized under the provision of this Act:

Provided also that the service benefits already extended to the persons for the service other than regular service stand withdrawn."

In view of the facts stated here in above, it is clear that the petitioners of those petitions which have been decided on the analogy of CWP No. 2004/2017 titled as Taj Mohammad Vs State of H.P. & Ors alongwith of CWP No. 629 of 2023 and 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 are hereby considered and rejected accordingly. It is further ordered that if any benefits such as, seniority, increment, promotion etc. have been extended to any employee/employees, the same shall stand withdrawn with immediate effect.

All the petitioners may be informed accordingly.


(Akshey Sood, HPAS)
Director
Technical Education
Vocational & Industrial Training
Himachal Pradesh

Endst. No. STV (TE)HB(9)1/84-A-Vol-II/Seniority/Class-III/2020-10973-11166
Dated:- 05/03/2025 Copy to:-

1. The Secretary (Technical Education, Vocational & Industrial Training) to the Govt. of Himachal Pradesh, Shimla 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 for information please.
2. The Additional Director(HPAS)/Joint Director (TE)/ Joint Controller (HPF&AS)/ of this Directorate for information.
3. All the Principals Govt. Engg. Colleges/ Pharmacy Colleges/Govt. Polytechnics/ITI's/(w)ITI's /SOA ITI in the Himachal Pradesh for information and necessary action.
4. The DDO of this Directorate for information and necessary action.
5. The concerned Branch Officers/Supdt./Branch In-charge of this Directorate for information and necessary action.
6. The Supdt. Grade-II, Legal Branch (internal) for information and necessary action.
7. All dealing Assistant (Establishment Poly./ITI) of this Directorate for information and necessary action.
8. PS to the Director (TE) for information.
9. Individual concerned.
10. Guard file


(Akshey Sood, HPAS)
Director
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