

# एच.पी. स्टेट सिविल सप्लाइज कारपोरेशन लिमिटेड

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जी.एस.टी.आई.एन.: 02AABCH4054K1ZV



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No. HPSCSC/Admn./1-1/2024-IV-1430-1487

Dated: - 26.04.2025

## "OFFICE ORDER"

**WHEREAS**, the Hon'ble Apex Court and Hon'ble High Court of Himachal Pradesh have rendered various judgments for counting of contract services for the purpose of seniority, promotion and pensionary benefits etc. The Hon'ble High Court of Himachal Pradesh on 03.08.2023 in CWP No. 2004 of 2017- titled as 'Taj Mohammad and others Vs. State of Himachal Pradesh & Ors a/w CWP No. 629 of 2018- titled as 'State of Himachal Pradesh V/s Lekh Ram & Others' had held that services rendered on contract basis are liable to be counted for the purpose of seniority and consequential benefits etc. after their regularization.

**AND WHEREAS**, the officials of the H.P. State Civil Supplies Corporation Limited had filed separate CWPs & Execution Petitions before the Hon'ble High Court of H.P., for being similarly situated to the Petitioners in the above titled CWPs, the details of the CWPs & Execution Petitions are as under;

Sr. No.	CWPNo./Ex. Pet. of 2024	Title
1	2966	Ashwani Katoch Vs. State of HP and another
2	2967	Sarika Vs. State of HP and another
3	3142	Rakesh Kumar Vs. State of HP and another
4	3143	Rahul Chandel Vs. State of HP and another
5	3145	Ashok Kumar Vs. State of HP and another
6	3147	Mahender Singh Vs. State of HP and another
7	3164	Vipan Kumar Vs. State of HP and another
8	3165	Rakesh Kumar Vs. State of HP and another
9	3167	Manohar Lal Vs. State of HP and another
10	3169	Chaman Lal Vs. State of HP and another
11	3520	Suraj Ghezta Vs. State of HP and another
12	3526	Arti Vs. State of HP and another
13	3527	Rajesh Verma Vs. State of HP and another
14	3528	Dharmendar Kumar Sharma Vs State and another
15	3529	Amit Kumar Vs. State of HP and another
16	3530	Anjana Verma Vs. State of HP and another
17	3531	Sanjay Thakur Vs. State of HP and another
18	3532	Pankaj Gautam Vs. State of HP and another
19	3533	Jagdish Vs. State of HP and another



20	3534	<i>Deepak Kumar Vs. State of HP and another</i>
21	3535	<i>Ajay Kumar Vs. State of HP and another</i>
22	3536	<i>Mamta Rana Vs. State of HP and another</i>
23	3829	<i>Jai Prakash vs. State of HP &amp; others</i>
24	3916	<i>Neeraj Kumar Vs. State of HP and another</i>
25	4094	<i>Dilver Singh Vs. State of HP and another</i>
26	4106	<i>Jageer Vs. State of HP and another</i>
27	4107	<i>Naresh Kumar Vs. State of HP and another</i>
28	6379	<i>Vijay Sharma Vs. State of HP and another</i>
29	6380	<i>Ramakant Chauhan Vs. State of HP and another</i>
30	6429	<i>Vikram Singh Vs. State of HP and another</i>
31	6585	<i>Anjali Sharma Vs. State of HP and another</i>
32	6586	<i>Sandeep Kumar Vs. State of HP and another</i>
33	7349	<i>Ram Lal Thakur Vs. State of HP and other</i>
34	7881	<i>Suman Kumar Vs. State of HP and another</i>
35	7899	<i>Neelam Kumar Vs. State of HP and another</i>
36	8071	<i>Sarita Vs. State of HP and another</i>
37	8087	<i>Suresh Kumar Vs. State of HP and another.</i>
38	8091	<i>Jagat Singh Vs. State of HP and other</i>
39	8501	<i>Dharnidhar Sharma Vs. State of HP and another</i>
40	8505	<i>Hussan Singh Vs. State of HP and another</i>
41	8506	<i>Ramesh Kumar Vs. State of HP and another</i>
42	10260	<i>Nasib Singh Vs. State of HP and another</i>
43	15246	<i>Mukesh Kumar Vs. State of HP and another</i>
44	1132	<i>Rakesh Kumar Vs. State of H.P &amp; Anr.</i>
45	1133	<i>Rahul Chandel Vs. State of H.P &amp; Anr.</i>
46	1137	<i>Naresh Kumar Vs. State of H.P &amp; Anr.</i>
47	1138	<i>Chaman Lal Vs. State of H.P &amp; Anr.</i>
48	1139	<i>Dilver Singh Vs. State of H.P &amp; Anr.</i>
49	1140	<i>Ashwani Katoch Vs. State of H.P &amp; Anr.</i>
50	1142	<i>Mahender Singh Vs. State of H.P &amp; Anr.</i>
51	1188	<i>Ashok Kumar Vs. State of H.P &amp; Anr.</i>
52	1189	<i>Rajesh Verma Vs. State of H.P &amp; Anr.</i>
53	1190	<i>Vipan Kumar Vs. State of H.P &amp; Anr.</i>

**AND WHEREAS**, the judgments rendered by the Hon'ble High Court of Himachal Pradesh in aforesaid CWP's filed by the officials of the Corporation **relied upon the judgment dated 03.08.2023** passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 2004/2017- titled as Taj Mohammad & others Vs State of Himachal Pradesh. The operative part of the judgment is reproduced herein, as under: -



**"25. 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 above judgment passed on 03.08.2023 was assailed by the State Government by way of filing SLP No.25641-25642/2023-titled as State of Himachal Pradesh and Others V/s Lekh Ram and Others before the Hon'ble Apex Court which was dismissed by the Hon'ble Apex Court on 04.12.2023. The Department of Food, Civil Supplies and Consumer Affairs, thereafter, had filed review petition CMP.M No. 428/2024 also titled as State of HP and another V/s Lekh Ram and others before the Hon'ble High Court of Himachal Pradesh which was also dismissed by the Hon'ble High Court of Himachal Pradesh.

**AND WHEREAS**, this Corporation had also been directed by the Hon'ble High Court of H.P. by way of several judgments to decide the representations of the Petitioners in the light of judgment passed by the Hon'ble High Court of H.P. dated 03.08.2023 in CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others' and in case, the Petitioners are found similarly situated as Petitioners in CWP No. 2004 of 2017 then to grant similar benefits as have been granted to the Petitioners in the above titled writ petition.

**AND WHEREAS**, to comply with the aforesaid judgments passed by the Hon'ble Apex Court and Hon'ble High Court of Himachal Pradesh in cases of the officials of the Corporation, an Office Order No.HPSCSC/Admn./1-1/2024-Vol-IV-11989-12038 dated 17.12.2024 was passed to grant benefits to the similarly situated Officials of the Corporation in light of the judgment dated 03.08.2023 passed by the Hon'ble High Court in CWP No.2004 of 2017 a/w CWP No.629 of 2018 titled as 'Taj Mohammad and others Vs The State of Himachal Pradesh and others' & 'State of Himachal Pradesh and another Vs Lekh Ram and others' to count the tenure of contractual services rendered by all the employees of various posts/cadres in this Corporation, for the purpose of seniority in respect of all the employees, whether Petitioners/Non-Petitioners, who were initially appointed on Contract Basis through direct recruitment (i.e. through the Recruitment Agencies namely viz HPPSC, HPSSSB/HPRCA, Ex-Servicemen Employment Cell (DSW), Persons with Disabilities, Persons selected against the posts reserved for Sports Category & the Persons appointed on Compassionate grounds etc.) as per the procedure prescribed in R&P Rules followed by regularization in the Corporation subject to the final outcome of further legal remedy, if any, exercised by the Government of H.P.

**AND WHEREAS**, now, the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 (Act No. 23 of 2025) has been notified vide



Notification No. LLR-D(6)-36/2024-Loose dated 07<sup>th</sup> February, 2025 and as per the Department of Personnel Notification No. Per (AP)-C-A(3)-6/2025 dated 19.02.2025, the said Act has come into force w.e.f. 20<sup>th</sup> February, 2025. The relevant provisions of the Act ibid regarding "Extension of Service benefits", as stipulated in Section 6 are reproduced herein below: -

**"(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 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,;**

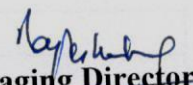
**Provided that a person shall be entitled for service benefits only from the date of regularization of his services:**

**Provided further that a person whose services have been regularized after 12<sup>th</sup> 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 services benefit already extended to the persons for the service other than regular service shall stand withdrawn."**

*Therefore, now, the claim of the Petitioners as well as of other similarly situated employees of the Corporation for counting their contractual service for seniority and other benefits from retrospective date, is no longer tenable in light of the 'Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024', which has retrospective effect and which explicitly excludes contractual service from being counted for such benefits. Accordingly, the Office Order No. HPSCSC/Admn./1-1/2024-Vol-IV-11989-12038 dated 17.12.2024 issued in this regard, hereby, stands withdrawn forthwith. And now, the seniority status of all concerned, as established in the final seniority lists, circulated prior to the issuance of ibid Order dated 17.12.2024, shall remain unmodified for all official purposes.*

**All the petitioners/ similarly situated employees of the Corporation are informed accordingly.**

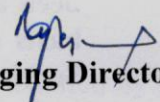
  
**Managing Director**

Dated: - -

Enclst No:HPSCSC/Admn./1-1/2024-Vol-IV

Copy forwarded for information to: -

1. The Additional Chief Secretary (F,CS & CA) to the Government of H.P. for kind information please.
2. The Financial Advisor, HPSCSC Ltd., Head Office, Shimla, with the direction to upload above orders on Corporation's website.
3. The Assistant Manager (Legal), HPSCSC Ltd., Head Office, Shimla, for information and necessary action.
4. All the Petitioners mentioned above.
5. All concerned related files of Cases mentioned in the Order.
6. Guard File.

  
**Managing Director**