

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPOA No.2356 of 2019

Decided on: 12th August, 2026

Desh Raj and others

...Petitioners

Versus

State of H.P. and another

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

Whether approved for reporting?¹

For the petitioners: Mr. Prantap Sharma, Advocate.

For the respondents: Mr. Hemant Kumar Verma, Deputy
Advocate General.

Jiya Lal Bhardwaj, Judge *(Oral)*

The petitioners by way of present petition have
prayed for the following substantive relief:-

"(i) That the respondent department may kindly be directed to regularize the services of the petitioners upon the completion of eight years of continuous service in the respondent department from their respective dates of first appointment stated in Annexure P-1."

2. The facts as emerge from the pleadings are that the petitioners were appointed as School Lecturers in different subjects on special contract basis in the concerned Government Senior Secondary Schools against the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

sanctioned posts. After completion of eight years of service as on 31.03.2009, their services were regularized vide office order dated 25.11.2009 (Annexure P-1) with immediate effect.

3. The grievance of the petitioners in the present petition is only with respect to the fact that since they had completed eight years of service as on 31.03.2009, their services ought to have been regularized immediately after completion of eight years of service, instead of regularizing their services w.e.f. 25.11.2009. It has further been averred that the services of the contract School Lecturers have been regularized after completion of eight years. It has also been averred that the respondents have discriminated the petitioners and, as such, the petitioners have approached this Court seeking their regularization immediately upon completion of eight years of continuous service in the respondent-Department from their respective dates of first appointment, as stated in office order dated 25.11.2009.

4. The respondents filed reply to the petition and averred that the petitioner has no cause of action to invoke

the jurisdiction of this Court as no injustice has been done to them by the respondents. The petitioners were engaged on special contract basis by the respondent-Department and the Government of H.P. framed a policy to regularize those Contract Teachers, who had completed eight years of continuous service on contract basis with immediate effect i.e. from the date when the order of regularization was issued by the Department. As such, the services of the petitioners have been regularized as per the provisions of the policy of the Government. It has further been averred that as per the decision taken by the State Government on 31.10.2009, it had decided to regularize those 13 Lecturers, who had completed eight years of continuous service on contract basis up to 31.03.2009, subject to the condition that those teachers, who had not passed the B.Ed. qualification, would be entitled to annual increments only after completion/passing the B.Ed. degree. Since the services of the petitioners have been regularized as per the policy of the Government, therefore, the petitioners have no cause of action to invoke the

jurisdiction of this Court.

5. It has also been averred that teachers who were appointed on special contract basis were initially appointed for a period of five years and thereafter they were allowed to continue. Ultimately, the State of H.P. had taken a policy decision to regularize the services of the teachers, who had been engaged/appointed on special contract basis and had also completed eight years of continuous service. The State Government has regularized the services of the special contract teachers vide office order dated 25.11.2009 with immediate effect. Thus, the order of regularization was as per the policy of the Government and no injustice has been caused to the petitioners and, as such, the petition deserves dismissal.

6. I have heard the learned counsel for the parties and also perused the record carefully.

7. A perusal of the office order dated 25.11.2009 reveals that the petitioners were working as School Lecturers, who were appointed in different subjects on special contract

basis in Government Senior Secondary Schools against the sanctioned posts. Further, they had completed eight years of continuous service as on 31.03.2009. Once the petitioners had completed eight years of service, their services were liable to be regularized immediately upon completion of the said period when they were appointed against the sanctioned posts and furthermore, in other cases, the services of persons, who had rendered eight years of service had been regularized immediately thereafter.

8. A similar preposition had arisen in CWP No.1853 of 2009-D, titled, ***Arpana Bali vs. The State of Himachal Pradesh & Others***, where the petitioner who was working as Lecturer Music (Vocal), her services were not regularized immediately after completion of eight years, but this Court had held that her services ought to have been regularized on completion of eight years of service. The relevant paras of the judgment read as under:

"15. True it is that as per the policy dated 9.6.2005, Annexure-I, the services of those contractual appointees like the petitioner, who had completed eight years of service on 31.12.2004 and those likely to complete eight years of

service as on 31.12.2005 had to be regularized w.e.f. 1.1.2005 and 1.1.2006 respectively. The petitioner admittedly had completed eight years of service after 31.12.1005 i.e. 10.11.2006. This Court, however, is not in agreement with the submissions that the case of the petitioner being not covered under this policy and that only those contractual appointees having completed eight years of service as on 31.12.2004 or 31.12.2005 have been regularized for the reason that as per the own stand of the respondent-department in the reply to the writ petition, the services of those incumbents, who had completed eight years of continuous service as on 10.11.2006 were regularized and as the petitioner had also completed such services as on 10.11.2006, therefore, her services have also been regularized w.e.f. 10.11.2006/31.12.2006. The non-regularization of her services leads to the only conclusion that she has been denied the benefit of regularization from 10.11.2006/31.12.2006 illegally, arbitrarily and rather discriminating against similarly situated persons on account of there being break in her service which stand of the respondent department has not been approved by this Court as per the findings recorded hereinabove and rather has been held as illegal. It has further been held that the period w.e.f. 22.3.1999 to 19.5.1999 cannot be said to a break in her service and rather has to be counted towards the continuity in service and seniority. The petitioner, therefore, is entitled to regularization of her services on the completion of eight years of service i.e. 10.11.2006.

16. This court is also not satisfied with the arguments that after completion of eight years of service by the petitioner, she has rightly been considered as per the policy dated 9th September, 2008, Annexure-II, for the reason that as per this policy, the services of those incumbents, who had completed eight years of continuous service as on 31.3.2008, were to be regularized. The petitioner, however, had already completed eight years of service as on 10.11.2006, therefore, was entitled to be considered for regularization immediately thereafter having acquired the requisite service well before

31.12.2008, and during the currency of the policy dated 9.6.2005, Annexure-I referred to hereinabove.

17. There is again no substance in the arguments addressed on behalf of the respondent-State that there was no policy in existence during the year 2006 or 2007 and that the petitioner could have only been considered on coming into being the new Policy viz the policy dated 9th September, 2008 for the reason that in a bunch matter of daily wagers (**CWP No.2735 of 2010, titled Rakesh Kumar vs. State of H.P.& Others** and its connected matters) decided by the Principal Bench of this Court vide judgment dated 28.7.2010, while holding that the Policy of 2000 was in existence till the new one was introduced on 9th June, 2005, the daily wagers, who had acquired the requisite number of working years in the interregnum were also held liable to be brought on work charge establishment as per the old policy framed in the year 2000. Therefore, applying these principles in the present case, the services of the petitioner should have been regularized on completion of the eight years of service.

18. The upshot of the above discussion would be that the petitioner is entitled to be regularized as Lecturer Music (Vocal) w.e.f. 1.1.2007 instead of 31.12.2008, however, only on notional basis from the said date and entitled to the actual financial benefits from the date she has joined as Lecturer Music (Vocal) on regular basis pursuant to impugned order Annexure P-13. The impugned order is hereby ordered to be modified, accordingly."

9. In the present case too, once the petitioners were appointed against sanctioned posts on special contract as Lecturers(School Cadres) in different Government Senior Secondary Schools, who had completed eight years service before 31.03.2009, they were also to be regularized from the

date when they had completed eight years of service and not from the date of issuing the office order dated 25.11.2009.

10. Learned Deputy Advocate General has vehemently argued that the judgment passed in **Arpana Bali's** case (supra) is not attracted to the facts of the present case, for the reason that, in that case, she was appointed on contract basis, whereas in the present case, the petitioners were appointed on special contract basis. The nomenclature assigned to the appointments as on 'contract' or 'special contract' will not make much difference for the purpose of granting the benefit of regularization once the respondents have also noticed in the regularization order that the petitioners had completed eight years of continuous service on 31.03.2009 and further their services were also regularized in pursuant to the policy decision taken by the State Government, and thus the argument advanced by the learned Deputy Advocate General is rejected.

11. It has been brought to the notice of the Court that the judgment passed in **Arpana Bali's** case (supra) has been

implemented by the respondents and, therefore, the petitioners, who are similarly situated, are also entitled to the same relief, but only for the purpose of their regularization immediately after completion of eight years service and they shall not be entitled to seniority and promotions etc. on the basis of their regularization from earlier dates.

12. Consequently, the present petition is allowed and the respondents are directed to regularize the services of the petitioners immediately after completion of eight years of service on notional basis and financial benefits shall be paid to them only from the date of filing the present petition. The petitioners are not held entitled either for seniority or promotion on the basis of the regularization from the earlier dates.

13. The petition is accordingly disposed of. Pending application(s), if any, shall also stand disposed of.

12th August, 2026

(ankit)

**(Jiya Lal Bhardwaj)
Judge**