IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 5886 of 2025 alongwith CWP Nos. 5992, 5993, 5994, 6191, 6192, 6193, 6195, 6196, 6197, 6198 and 6199 of 2025

Date of decision: 27.10.2025

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1. CWP No. 5886 of 2025

Jeevan Dass & others. ...Petitioners.

Versus

State of H.P. & others. …Respondents.

2. CWP No. 5992 of 2025

Rajeev Bhushan. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

3. CWP No. 5993 of 2025

Naveen Kumar. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

4. CWP No. 5994 of 2025

Ramesh Chand. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

5. CWP No. 6191 of 2025

Deepa Pandit. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

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6. CWP No. 6192 of 2025

Bhawani Dutt. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

7. CWP No. 6193 of 2025

Raj Kumar. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

8. CWP No. 6195 of 2025

Deepak Vasudeva. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

9. CWP No. 6196 of 2025

Baldev Raj Sharma. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

10. CWP No. 6197 of 2025

Sarita. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

11. CWP No. 6198 of 2025

Babita Sharma. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

12. CWP No. 6199 of 2025

Ranjana. ...Petitioner.

Versus

State of H.P. & others. …Respondents.

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Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the Petitioner(s).	***Mr.Tarun K. Sharma, Advocate.***
For the Respondents:	***Mr.Anup Rattan, Advocate General alongwith Mr.Ramakant Sharma, Additional Advocate General.***

Vivek Singh Thakur, Judge *(Oral)*

In all these petitions, apart from certain other prayers/issues in some of petitions, there is a common prayer related to common question of law and fact arising grievance on account of issuance of office order dated 28.3.2025. Therefore, keeping all other issues and prayers open, to be adjudicated in fresh petitions, if any filed by petitioners, these petitions are being decided by this common order.

[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

2. Learned counsel appearing for the petitioner(s) submit that petitioner(s) in all these petitions were aggrieved by impugned office order No.EDN-H(2)B(2)54/2013-CC dated 28.03.2025, whereby, after enactment of Himachal Pradesh Recruitment and Conditions of Government Employees Act, 2024, certain service benefits were withdrawn by the respondents and, resultantly, already extended service benefits to some of the petitioners were withdrawn, whereas claim of other similarly situated petitioners for the same benefits were rejected by passing common/separate orders but on the basis of Office Order dated 28.3.2025.

3. It has been submitted by learned counsel for petitioner(s) that now by passing subsequent Office Order No. EDN-H(2)B(2)54/2013-CC, dated 23.08.2025, the impugned Office Order dated 28.3.2025 has been declared to be infructuous and withdrawn with immediate effect by the concerned Authority and it has been explained and reiterated by the Director of School Education by issuing Office Order No. EDN(Ele.)H(2)B(2)2/2025-Court Cases dated 27.8.2025, which is as under:-

> "No. EDN(Ele.)H(2)B(2)2/ 2025-Court Cases dated 27.08.2025
> Directorate of School Education
> Himachal Pradesh, Lalpani Shimla-01
> Dated Shimla-171001, the
>
> **OFFICE ORDER**

Whereas, clarification was given to all the Dy. Directors of School Education regarding court case matters, specifically drawing analogies with the cases decided on the analogy of CWP No. 414/2014- titled as Kuldeep Chand Vs State & others alongwith LPA No. 54/2013 titled as State of HP Vs Om Prakash, and all other connected matters with these cases vide this Directorate letter No.EDN(Ele.)H(2)B(2)2/2025-Court Cases dated 21.06.2025.

In this context, it is intimated that after the enactment of Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024, notified by the Government of Himachal Pradesh on 20.02.2025, the office orders issued by this Directorate from time to time on the analogy of the cases mentioned in the above paragraph were withdrawn with immediate effect vide this Directorate office orders No. EDN-H(2)B(2)54/2013-CC dated 28.03.2025.

Further, a similar matter i.e. CWPOA No. 1695/2019 titled as Ajay Kumar & others Vs State of H.P. & others was again taken up with Govt. and since the legal issue of applicability of HPRCS Act was involved, the matter was referred to Ld. Advocate General who opined that “The judgment passed by Hon'ble High Court of HP qua deemed regularision are not covered by the HPRCS Act, 2024, it is clarified that these judgments were accepted by the state more than a decade back hence such cases are not permissible to be opened in view of this Act, 2024.”

Consequently, as per the judgment passed by the Hon’ble High Court of HP in CWPOA No. 1695/2019-titled as Ajay Kumar & others Vs State of HP the office order was issued on dated 18.08.2025.

Thereafter, the matter was again taken up with the Govt. of HP for direction/order vide various communications and the Govt. of HP vide letter No.EDNC-E(5)21/2023 dated 23.08.2025 has clarified that “the matter has been examined at Government level. It has been decided that the orders passed in CWP No. 414/2014 titled as Kuldeep Chand Vs State of HP & Ors may be implemented as per advice rendered by the Ld. Advocate General, Himachal Pradesh on 13.08.2025 in a similar case of Execution Number 13/2025 in CWPOA No. 1695/219 titled as Ajay Kumar Thakur & Ors Vs State of HP.”

Now, in view of the above, the office order **No.EDN-H(2)B(2)54/2013-CC passed by this Department on dated 28.03.2025 have become in-fructuous and withdrawn with immediate effect vide this Directorate office order No. EDN-H(2)B(2)54/2013-CC, dated 23.08.2025.**

It is therefore directed to take further necessary action in the matter accordingly and ensure the timely compliance of those judgments in which detailed speaking orders were issued by this Directorate in compliance of the orders passed by Hon'ble High Court of HP on the analogy of CWP No. 414/2014- titled as

> Kuldeep Chand Vs State of HP & others along with LPA No.54/2013 titled as State of HP Vs Om Prakash, and all other connected matters with these cases and **compliance report be submitted to this Directorate as and when the same will be desired by the Hon'ble High Court of HP in various Ex. Pet./COPCs failing which the erring officer/official of the concerned DDSE/GSSS/GHS/GMS will remain present before the undersigned to explain the reason for non-Compliance of the judgment.**
> Encl: As above
>
> DIRECTOR
> School Education HP
> Lalpani, Shimla-171001"

4. Learned counsel for petitioner(s) submit that in view of aforesaid Office Orders dated 23.8.2025 and 27.8.2025, grievance(s) of the petitioner(s) arisen on account of Office Order dated 28.3.2025 stand redressed and, therefore, nothing survives to be adjudicated on this issue except for issuing direction to the respondents to restore and extend admissible service benefits to the petitioner(s) in a time bound manner.

5. Accordingly, respondents are directed to ensure restoration of service benefits immediately which were already extended but withdrawn vide Office Order dated 28.3.2025 and also to extend similar benefits to the petitioner(s) and other similarly situated persons on or before 30th November, 2025 on the same analogy in aforesaid terms in sequel to judgments of the Court(s) as well as decision taken by the respondents as notified vide Office Order dated 27.8.2025.

6. We have disposed of these writ petitions with respect to grievance of the petitioners on account of Office Order dated 28.03.2025,

but without adjudicating any other claim/issue/prayer raised by the parties, for which the parties shall have the right to avail the appropriate remedy in accordance with law, if so required and desired.

Petitions are disposed of in aforesaid terms along with pending applications, if any.

(Vivek Singh Thakur),
Judge.

(Romesh Verma),
Judge.

27th October, 2025
(Keshav)