

HIMACHAL PRADESH
PUBLIC WORK DEPARTMENT

"OFFICE ORDER"

Whereas, the Hon'ble High Court has disposed of the CWP No. 7008/2021 vide its judgment dated 17.6.2022 and following directions were issued :-

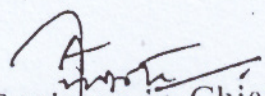
" Having said so, we find merit in these petitions and the same are accordingly allowed to the following effect:-

- i) The termination order dated 25.09.21 (P-9) is quashed and set aside, for all intent and purposes.
- ii) The petitioners are ordered to be treated in service from the initial date of appointment i.e. 17.01.2020, however, seniority regardless the date of joining shall be determined strictly in accordance with the order of merit of the selection of post code No.695.
- iii) The respondents are directed to protect the pay of the petitioners and treated them to have been continuously appointed w.e.f. 17.01.2020 alongwith all benefits of pay and arrears etc.

And whereas, in compliance to the directions passed by Hon'ble High Court, this office vide order dated 01.5.2023 has issued the regularization orders of the petitioners. While issuing the orders it was observed that the regularization shall be prospective as provided under the policy dated 28.3.2022. As a matter of fact, the Government has issued the instructions dated 28.3.2022 which provides that the regularization shall be prospective in nature. In view of such instructions, the regularization orders of the petitioners were issued with prospective effect. However, as the Hon'ble Court has issued the directions to treat the petitioners to be in service w.e.f. 17.01.2020 and further directed to protect their pay alongwith all benefits of pay and arrears. In view of such directions and the guidelines / instructions issued by the Government, the matter regarding retrospective regularization was submitted to the Government for approval. The Government after examining the matter has accorded approval to regularize the services of the petitioner by treating them to be in service w.e.f. 17.01.2020 with all

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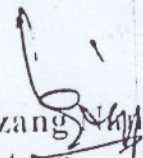
consequential benefits of pay and arrears. Accordingly, the order dated 01.05.2023 issued by this office is amended to the extent that the petitioners shall be deemed to be regularized w.e.f. 01.04.2022. The petitioners are ordered to be regularized on completion of two years' service w.e.f. 01.4.2022 in the pay scale of Level 11 of HPCS(RP) Rules, 2022 with all consequential benefits of pay arrears etc. The payment of pay arrears etc. be released immediately strictly in accordance with the instructions issued by Finance Department from time to time.


Engineer-in-Chief,
HPPWD, Shimla-61

No.PWE-126-JE (Regularization)/ESII- 1964-2083 Dated:-18-6-23

Copy forwarded for information and necessary action to:-

1. The Principal Secretary(PW) to the Govt. of Himachal Pradesh.
2. All the Chief Engineers in HP.PWD.
3. The Commissioner, MC Shimla.
4. All the Superintending Engineers in, HPPWD.
5. All the Executive Engineers in HPPWD.
- ✓ 6. The Executive Engineer, IT Cell of this office.
7. The Superintendent Gr-I, Cash Section of this office.
8. Guard file.


(Lobzang Nyngyal)
Registrar,
HP.PWD., Shimla-02

HIMACHAL PRADESH
PUBLIC WORK DEPARTMENT

"OFFICE ORDER"

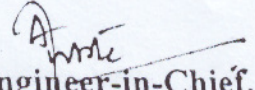
Whereas, COPC No.354 of 2022 titled Pankaj Jasrotia & others Vs. Sh.Bharat Khera & others was listed before Hon'ble High Court on 14.06.2023 wherein Hon'ble High Court while perusing order No.PWE-126-JE(Regularization)/ESI-1964-2083 dated 13.06.23 has observed as under :-

Learned Additional Advocate General has placed on record copy of compliance affidavit filed by the respondents alongwith office order dated 13.06.2023. Last line of the office order reads as under:-

"The payment of pay arrears etc. be released immediately strictly in accordance with the instructions issued by the Finance Department from time to time".

The above extracted portion office order dated 13.06.2023 is not in consonance with the directions issued in the judgment in question.

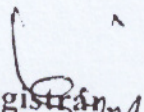
In view of above, the above extracted portion of office order dated 13.06.2023 is hereby deleted.


Engineer-in-Chief,
HPPWD, Shimla

No.PWE-126-JE (Regularization)/ESI- 2095-2194 Dated:- 14.6.2023

Copy forwarded for information and necessary action to:-

1. The Principal Secretary(PW) to the Govt. of Himachal Pradesh.
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Registrar
HP.PWD, Shimla-02