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HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED
(A State Govt. Undertaking)

Registered office: Vidyut Bhawan, HPSEBL, Shimla-4 | CIN: U40109HP2009SGC031255
GST No.: HPSEBL 02AACCH4894EHZB | Website address: www.hpseb.in
Telephone Number: 0177-2803600, 2801675 (Office), 2813563 (FAX) | Email: md@hpseb.in &dirf@hpseb.in

No. HPSEBL (Sectt) R&E/Contract file /2026-27, **Dated:-** 19-11-26
52367-527

To

1. All the Chief Engineers/Deputy Chief Engineers/Superintending Engineers/Senior Excutive Engineer, in HPSEB Ltd.
2. The MD, BVPCL, Jogindernagar, District mandi HP
3. The Chief Account Officer (F&A) Wing, HPSEB Ltd. Shimla HP
4. The Deputy Secretary/Under Secretary in Board Sectt.

Subject:-The Judgement dated 25.4.2026 (Citation:2026 : HHC 13536) passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 3361 of 2025 and connected matters- general instructions.

Sir/Madam,

Please find enclosed herewith a copy of instructions issued by the Chief Secretary to the Government of Himachal Pradesh vide letter No. Per(AP)-C-E(3)-2/2026-L dated 6.11.2026 on the subject cited above for taking further necessary action at your end.

You are accordingly requested to take further necessary action as per the directions contained in the aforesaid letter. These implementation instructions are required to be complied in its letter and spirit. Immediate action is required to be taken in the present case in order to avoid any adverse orders that may be passed against the HPSEB Ltd. in the contempt and execution

proceedings instuituted/pending before the Hon'ble High Court of HP.

Any failure or delay in complying with the aforesaid instructions shall be viewed seriously, and the officers/officials found responsible for such non-compliance shall be held personally accountable in accordance with the applicable rules and instructions.

The aforesaid instructions may also be downloaded from the official website of HPSEB Ltd.

This issues with the approval of the competent authority of HPSEB Ltd.

DA: As Above

Yours faithfully,

19/11/26

Under Secretary (R&E),
HPSEB Ltd. Shimla -4

Copy of the above is forwarded to the following:-

Superintending Eingeer (IT), HPSEB Ltd. with the request to upload the same on official website of the HPSEB Ltd. by today.

19/11/26

Under Secretary (R&E),
HPSEB Ltd. Shimla -4

No. PER(AP)-C-E(3)-2/2026-L
Government of Himachal Pradesh.
Department of Personnel (AP-III).

From

The Chief Secretary to the
Government of Himachal Pradesh.

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in H.P.
3. All the Deputy Commissioners in H.P.
4. All the Heads of the Departments in H.P.
5. All the Chairman/Managing Directors/ Secretaries & Registrars of the Public Sector Undertakings/Corporations/ Boards/ Universities etc in H.P.

Dated: Shimla-171002, the 06th November, 2026.

Subject:- The judgement dated 25.04.2026 (Citation:2026: HHC:13536) passed by the Hon'ble High Court of Himachal Pradesh in CWP No.3361 of 2025 and connected matters – general instructions thereof.

Madam/Sir,

I am directed to say that the Himachal Pradesh Recruitment and Conditions of Service of Government Employees Act, 2024 has been quashed by the Hon'ble High Court vide judgement dated 25.04.2026 (Citation:2026: HHC:13536) in CWP No.3361 of 2025 titled Devinder Kumar and Ors. versus State of Himachal Pradesh and Anr. a/w connected matters. The State Government preferred an appeal in the Hon'ble Apex Court which also stand dismissed vide order of the Hon'ble Supreme Court dated 29-07-2026 in SLP No. 24885/2026 and with the dismissal of the State's SLP, the Hon'ble High Court judgment remains undisturbed, including quashing of the Act and consequential State action.

The Hon'ble High Court in the operative part of the judgement dated 25.04.2026 in CWP No.3361 of 2025 titled Devinder Kumar and Ors. versus State of Himachal

Pradesh and Anr. a/w connected matters, while quashing the H.P. Recruitment and Conditions of Service of Government Employees Act, 2024 has observed as under:-

> "Para 203 In view of quashing of the impugned Act, all consequential action, omission and commission of the respondents-State and its functionaries, based on the impugned Act, are declared illegal, unconstitutional and nullify, and resultantly orders/rejection/directions, withdrawal, denying benefits or proposing recovery of already granted reliefs, based on the impugned Act, in conflict with the mandate of the Court are also quashed and set aside and competent authority(ies) is directed to ensure extension of benefits to the employees in terms of judgments passed by the competent Courts, latest by three months from today by issuing appropriate orders, if so required, in consonance with the Constitutional mandate and verdict of the Court(s)."

The Hon'ble Court has directed to ensure extension of benefits to employees in terms of judgments passed by competent courts, by issuing appropriate orders, however, as general, the concerned Administrative Department need to initiate compliance of the respective judgement(s) in following manner:

(1) The concerned Department(s) shall at their own level identify the judicial decision vis-à-vis its applicability to only the concerned petitioner(s) for working out the following:-

- (i) Circulation of Tentative seniority(s);
- (ii) Finalization of seniority(s);
- (iii) Review/revised DPCs/Fresh DPCs to be held, as the case may be;
- (iv) The monetary benefits to be accrued, if any from the date of acceptance and issuance of minutes of DPCs.

(2) The department to hold review DPC(s)/fresh DPC(s) on the basis of seniorities worked out as per para 1, as per laid down procedure. The incumbent who already got promotion but now is coming downwards in the cadre, then such earlier DPC in which he was

considered for promotion, to be reviewed and such person becoming junior now will wait for his new turn(subject to vacancy) based on the revised seniority. On the other hand, the other incumbent whose eligibility for promotion to next post accrue from an earlier date due to upward movement of his position in revised seniorities(after counting of contract service), there may occur two eventualities:-

(a) If he was already considered and promoted from any earlier date without counting the contractual service, then his promotion hold valid and effective from that date only as the promotion in any case is fair from the actual assumption of the charge of the post concerned.

(b) If such incumbent still is to be considered for promotion, then fresh DPC(s) to be held and promotion in any case will be given effect, from prospective date or from the actual assumption of charge of the concerned post.

(3) Since, the review DPC/fresh DPC to be held in all cases, which means that no supernumerary post(s) needs to be created in any manner under any circumstances and the monetary benefit will accrue on notional basis unless the Hon'ble Court(s) has explicitly allowed/directed otherwise to provide monetary benefits from the date of eligibility.

(4) In all cases, the final orders shall be approved at the level of the Secretary of the Administrative Department otherwise responsibility will be fixed of the concerned authority.

(5) The fence-sitters are to be governed as per law laid down by the Hon'ble Apex Court at para 11 of the judgment dated 11th August, 2026 in case of State of Himachal Pradesh vs Jameet Singh [Civil Appeal

Nos... of 2026 (Arising out of SLP(C) Nos. 33813-33824 of 2025] which is also reproduced as under:-

> "11. We may now consider the objection of the appellants that in service matters, fence-sitters cannot ordinarily claim the benefit of a subsequent development merely because they may be similarly situated to persons who had diligently pursued their claims before the appropriate forum at the relevant time."

(6) All the orders issued after regular/review DPC(s) shall be issued subject to legal remedy in respect of the judgement dated 25.04.2026 in CWP No.3361 of 2025 titled Devinder Kumar and Ors. versus State of Himachal Pradesh and Anr. a/w connected matters

Yours faithfully,

(Ved Prakash)
Under Secretary(Personnel) to the
Government of Himachal Pradesh.

Endst No. Dated: Shimla the 06th November, 2026.

Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
3. The Registrar, H.P. High Court, Shimla-171001.
4. The Secretary, H.P. Public Service Commission, Shimla.
5. The Secretary, H.P. Rajya Chayan Aayog, Hamirpur.

(Ved Prakash)
Under Secretary(Personnel) to the
Government of Himachal Pradesh.
Tel.No.0177 - 2624554

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