

2. The writ petitioner was a recipient of National Award received by him during the year 2011-2012 and in view of the notification dated 24.09.2015 (**Annexure A-3**), the Award having been given by the Hon'ble President of India it was held that there was a discrimination being created by the respondents. The defence that it was for the contribution of community and social service activities of National Service Scheme (NSS), could not as such take away the right and it was also part of the school curricular and the said notification superceded all the earlier notifications, since the employee had already retired on attaining the age of 60 years and he had been denied the benefits of two years extended service as per the notification led the learned Single Judge to pass the order in favour of the petitioner.

3. The learned Single Judge has placed reliance upon the judgments of the Apex Court in ***Union of India and Others Vs. K.V. Jankiraman and Others (1991) 4 SCC 109*** and ***State of Kerala and Others Vs. E.K. Bhaskaran Pillai (2007) 6 SCC 524*** to grant monetary benefits, that if the employee was kept away on account of the State action, he would be entitled for the said benefits.

4. Counsel for the appellants-State has again told the line which is taken in the reply that it was the benefit which only

flowed, if the selection of teachers for State Award made is made by the Committee constituted for purpose at District level, Directorate level and State level for grant of National Award to the teachers. The petitioner had been awarded Indira Gandhi National Service Scheme Awards for the period 2011-2012 on 19.11.2012 under separate set of Scheme and eligibility conditions, which was not covered under Government notifications.

5. We have gone through the notification dated 24.09.2015 (**Annexure A-3**) on the basis of which, the petitioner was claiming the said relief and we find that there is widely worded and places the awardees at two different pedestal i.e. the extension of two years of salary increment to teachers who have received national awards and one year of extension of service to teachers who have received state level awards. The same reads as under:-

*“Government of Himachal Pradesh
Elementary Education Department
D.N.C.C. (1-7)-3/2007 Volume-III Dated Shimla-2
24.9.2015*

Notification

Superseding all the notifications (orders) made earlier, the Governor of Himachal Pradesh gladly approves the extension of two years of salary increment to teachers who have received national awards and one year of extension of service to teachers who have received state level awards.

This direction will come into effect from the date of issue of the notification.

*By order
Additional Chief Secretary Education
Government of Himachal Pradesh."*

6. A perusal of the Award would go on to show that the Ministry of Youth Affairs & Sports, Department of Youth Affairs, Government of India, New Delhi had granted the said Award to the petitioner while he was working in the Directorate of Higher Education, Himachal Pradesh and the Award was granted by the Hon'ble President of India on 19.11.2012 in Darbar Hall at Rashtrapati Bhawan. The same would be clear from the letter dated 26.10.2012 (**Annexure P-1**), whereby the petitioner was working as Programme Coordinator, NSS, Directorate of Higher Education, Himachal Pradesh and had been given the details of participating in an interactive session with selected college students with full dress rehearsal and for attending the award distribution ceremony.

7. The pleadings in the writ petition would also go on to show that the employee as such was working as Lecturer (History) School Cadre and had joined on 07.12.1995 and thereafter, he was promoted to the post of Principal on 15.04.2017. The petitioner had been sent on deputation as Incharge of National Service Scheme (NSS) in the Department of Higher Education in July, 2022. The petitioner as Programme

Coordinator (NSS) had not only made possible efforts to extend the benefit of NSS to most of the students of Senior Secondary Schools, but rather his backbreaking endeavours had increased the strength of NSS Units from 149 to 150.

8. In such circumstances, the petitioner had been granted the honour of National Award and thereafter, he had repeatedly communicated to the State Government as such as to how he had contributed furthering the National Service Scheme (NSS) activities in the State for the welfare of the students as a teacher and prayed for getting re-employment in services as Programme Coordinator (NSS) vide **Annexure P-5** on the basis of the said notification. Apparently, on account of the inaction as such, he was constrained to approach the writ Court.

9. It is to be noticed that the National Service Scheme (NSS) activities are part of the Community Services rendered by National Service Scheme (NSS) volunteers, which would be clear from **Annexure RJ/2** appended alongwith the rejoinder filed by the employee in the writ petition. The aims and objects as such of the National Service Scheme (NSS) Programme would also go on to show that it is a volunteer service rendered and the said suitable incentive and awards have to be given under the Scheme and there was a Selection Committee at the National

Level level by a Committee. The proforma for recommending National Service Scheme (NSS) Volunteer for Indira Gandhi NSS Awards was also part of the said guidelines. In pursuance to the same, the employee as such was a beneficiary of the said Award and, therefore, the State cannot wash its hands off for the achievement of its own employee. The necessary guidelines reads as under:-

“Guidelines for Indira Gandhi NSS Award

1. INTRODUCTION

1.1 National Service Scheme (NSS) was launched during the Mahatma Gandhi’s Centenary Year (1969) involving 40,000 student volunteers in 37 universities. Today, it has more than 3.26 million student volunteers spread over 299 universities and 42 (+2) Councils and impemented in 22,800 academic institutions including higher as well as technical education.

1.2. The aim of National Service Scheme is “Development of the Personality of Students through Community Service”. In order to fulfill the objective, student volunteers and programme functionaries are engaged in constructive and productive programmes involving students in various awareness drives, shramdaan, socila reforms, communal harmony, creation of community assets, relief work, blood donation, disaster management, enviornmental protection, literacy programme, health education campagin etc. Under the scheme, each volunteer contributes 240 hours of community work during a period of two years and participate in one Special Camp.

1.3. To recognize the voluntary service rendered by NSS volunteers, Programme Officers, NSS Units and the University NSS Cells, it has been proposed to provide suitable incentives/awards under the scheme.

2. xxxxxxxx

4.7 Selection at the National Level:

The Selection Committee at the National Level will be headed by the Secretary (Youth Affairs). The Secretary (UGC), the Joint Secretary (Youth Affairs), the Programme Adviser (NSS), the Secretary (AIU) and two non-officials of eminence will be Members. The Committee shall scrutinize the recommendations of the State Government/UT Administrators and select the awardees. The National Selection Committee may, at their own discretion, consider on merits NSS units or University/+2 Councils not recommended by a State/UT Government for the award with substantial justification. The Under Secretary (NSS) of the Ministry will function as Convener of the National Level Selection Committee."

10. In such circumstances, the view which has been taken by the learned Single Judge, keeping in view the wording of the notification does not suffer from any infirmity, which would warrant interference in the Letters Patent Appeal (LPA).

11. Resultantly, we dismiss the present appeal, so also the pending miscellaneous application(s), if any, shall also stand disposed off accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

3rd June, 2026

(Munish Thakur)