

No:EDN-H(2)B(2)9135/2023-CC

Directorate of Elementary Education,  
Himachal Pradesh Lalpani Shimla-1.

Dated Shimla-the 171001 the

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

20 APR 2024

April, 2024

In the matter of CWP No. 9135/2023 titled as Anil Kumar & ors Vs State of H.P. & Ors Decided on 24.11.2023.

**OFFICE ORDER**

Whereas, CWP No. 9135/2023 titled as Anil Kumar & Ors Vs State of H.P. & Ors was listed before the Hon'ble High Court of H.P. on 24.11.2023 when after hearing the matter the Hon'ble High Court has passed the following orders:-

7. In the background of the judgment(s) referred to above and the judgment in the case LPA No. 21 of 2013 in case of Ravinder Kumar (supra), Annexure P-14, the petitioner has come up before this Court seeking the similar reliefs.

8. Per contra, Mr. B.C. Verma, learned Additional Advocate General submits that so far as the mandate of this Court in case of Ravinder Kumar (supra), Annexure P-14 is not in dispute but, the factual aspects needs to be looked into and verified.

9. In these circumstances, and on the request of learned counsel for the petitioner, on instructions of the petitioner, this Court permits the petitioner to make a representation to the Respondent No.2-Director of Elementary Education within two weeks; with further directions to the aforesaid respondent to verify the facts and, in case, the petitioners are similarly placed then, to extend the similar benefit of regular appointment from the date the petitioners were appointed on contractual basis as TGT's.

10. Needless to say that since the writ petition has been filed by the petitioners on 18.11.2023, therefore, the petitioners shall be entitled to actual monetary benefits only for a period of three years preceding the date of filing of the writ petition on [18.11.2023] in terms of the mandate of law in case of Union of India versus Tarsem Singh (2008) 8 SCC 648; Shiv Dass versus Union of India and Others; (2007) 9 SCC 274; State of Madhya Pradesh and Others versus Yogendra Shrivastava (2010) 12 SCC 538; Asger Ibrahim Amin Versus Life Insurance Corporation of India (2016) 13 SCC 797, followed in Rushibhai Jagdishchandra Pathak versus Bhavnagar Municipal Corporation CA No.4134 of 2022 [2022 SCC online S C 641] decided on 18.5.2022, and arrears beyond three years cannot be claimed/granted.

In the aforesaid terms, the instant writ petition is disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of, accordingly."



(1234 567890 1234 567890)

Whereas, in compliance to the order of the Hon'ble High Court of H.P. after thorough examination of the cases of the petitioner it is revealed that the petitioners were appointed as TGT (Arts/NM/Medical) through batchwise basis vide office order, No. EDN-H(2)B(2)6/2008-(Arts)-Deptt. Dated 07.11.2008, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.02.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.05.2009, No. EDN-H(2)B(2)5/2008-(Non-Med.)-Deptt. Dated 14.11.2008, No. EDN-H(2)B(2)6/2008-NM(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 28.05.2009, No. EDN-H(2)B(2)5/2008-(Medical)-Deptt. Dated 25.11.2008, No. EDN-H(2)B(2)6/2008-Med-(Deptt.) Dated 21.02.2009 & No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 28.05.2009. The appointment orders of the petitioners clearly shows that the R&P Rules of TGTs were amended on dated 22.10.2009 whereas they had been appointed as TGT (Arts/NM/Med.) through batchwise basis or through Ex-servicemen quota against the posts which were advertised much prior to the amendment of R&P Rules of TGTs.

Whereas, after perusal of the record, it is revealed that during 2008 the Government conveyed the approval to fill up 4568 posts of TGTs on contract basis vide letter No. EDN-C-B(15)6/2007-Loose dated 16.06.2008 and the Department, accordingly, advertised the share of batchwise posts on contract basis vide requisition No. EDN-H(2)B(2)3/2018-Requisition dated 27.06.2008 purely on contract basis as per contract conditions and emoluments, however, the specific amendment related to contract appointment was inserted in the R&P Rules, of TGTs on dated 22.10.2009 and prior to this, in the R&P Rules of TGTs provision of regular appointment was in vogue.

Whereas, the matter of regular appointment instead of contract appointment before the amendment of R&P Rules was decided by the Hon'ble High Court of H.P. in LPA No. 21 of 2013 alongwith LPA No. 54/2013 titled as State of Himachal Pradesh & Ors. Vs Sh. Om Parkash and other connected appeals on dated 04.10.2019 and the Director of Higher Education implemented the judgment passed in CWP No. 7602 of 2010, titled Om Prakash Versus State of H.P. and others, and connected matters vide office Order No. EDN-H (19)B(1)6/2013- Court Case dated 08.12.2020 and allowed the benefit of taking over the services of eligible petitioners as lecturer w.e.f. 06.02.2007.

Whereas, some Trained Graduate Teachers who were appointed much prior to the insertion of contract condition in the R&P Rules of TGTs, they had also filed various civil writ petitions in the Hon'ble High Court of H.P. for regular appointment instead of contract appointment and the Hon'ble High Court of H.P. in these writ petitions had ordered that **"we deem it proper to dispose of the writ petitions in terms of the judgments, referred to above, subject to the outcome of LPAs No. 54 of 2013 and 500 of 2013. Ordered accordingly"**. As such the judgment passed in LPA No. 54 of 2013 was already implement by the Director

Higher Education H.P. vide order dated 08.12.2020, therefore, in view of order of the Hon'ble High Court of H.P. the matter of petitioners (TGTs) in CWP No. 414/2014- Kuldip Chand Vs State of HP & connected matters, CWP No. 6383/2014- Manoj Kumar Vs State of HP & Others, CWP No. 6746/2014- Som Dutt Vs State of H.P. & Ors, CWP No. 6751/2014- Manohar Lal Vs State of H.P. & Ors, CWP No. 6748/2014-Disha Sharma Vs State of H.P. & Ors, CWP No. 6749/2014- Nirmla Shashni vs State of HP & Others, CWP No. 6750/2014- Chhime Angmo Vs State of HP & Others and connected matters, was again taken up with the Govt. vide letter No EDN-H(2)B(2)54/2013 CC date 24.06.2020 & 01.11.2023 and the Government vide letter No. EDN-C-E(3)3/2020 dated 30.11.2023 conveyed the approval to implement the orders of the Hon'ble High Court in letter and spirit. Accordingly, the Department implemented the order of the Hon'ble High Court of H.P. vide office order No. EDN-H(2)B(2)54/2013-CC dated 01.12.2023 by considering the petitioner deemed regular employee from the date of their initial appointment on contract basis with all consequential benefits. However, the Government had further also directed that in similar situated cases, the advice of the Ld. Advocate General may be sought as to how proceed further in the matter. Accordingly, the matter was also discussed with Ld. Advocate General who opined that "decide the representations if any in accordance with Law as laid down qua including notional benefits for fence seater".

In view of above facts and circumstances, the case of the petitioners is similar to the petitioner in CWP No. 414/2014-Kuldip Chand Vs State of HP & connected matters, CWP No. 6383/2014- Manoj Kumar Vs State of HP & Others, CWP No. 416/2014- Door Singh, CWP No. 6746/2014- Som Dutt, CWP No. 6751/2014- Manohar Lal, CWP No. 6748/2014-Disha Sharma, CWP No. 6749/2014- Nirmla Shashni vs State of HP & Others, CWP No. 6750/2014- Chhime Angmo Vs State of HP & Others, therefore, the following petitioners are hereby considered as deemed regular employees of the State in the pay scale of Rs. 10300-34800 + 3600 Grade Pay plus other allowances from the date when they were initially appointed/joined on contract basis on notional basis:-

Sr. No.	Name and address with present place of posting of the petitioner
1	Anil Kumar S/o Shri Amar Chand, R/o VPO Dhamrol, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 11.06.2009 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 39 years.
2	Anil Kumar, S/o Shri Roop Singh, R/o VPO Bhalwani, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 03.03.2009 on contract basis and regularized on 22.06.2015 and Presently posted as Lecturer in Biology at GSSS Batran, District Hamirpur, Himachal Pradesh aged about 46 years.
3	Anil Kumar, S/o Shri Rup Singh, R/o Village Gharan, Post Office Bagwara, Tehsil Tauni Devi, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 07.03.2009 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Bahanwin, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 53 years.

4	Anoop Kumar, S/o Shri Jagdish Chand, R/o Village Hatara, Post Office Bhota, Tehsil Barsar, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 12.06.2009 on contract basis and regularized on 22.06.2015 Presently posted at GHS Kot, U/c GSSS Saroh, District Una, Himachal Pradesh aged about 45 years
5	Ashok Kumar S/o Shri Roshan Lal Azad, R/o VPO and Tehsil Tauni Devi, District Hamirpur, Himachal Pradesh initially joined as TGT (NonMedical) on 02.12.2008 on contract basis and regularized on 22.06.2015 Presently posted as Lecturer in Commerce at GSSS Utpur, District Hamirpur, Himachal Pradesh aged about 49 years
6	Dharam Pal S/o Shri Lachman Dass, R/o VPO Jakhyol, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 14.11.2008 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Parol, District Hamirpur, Himachal Pradesh aged about 51 years
7	Harnam Singh S/o Shri Gian Chand, R/o Village Balh, Post Office Mohin, District Hamirpur, Himachal Pradesh initially joined as TGT (NonMedical) on 29.12.2008 on contract basis and regularized on 23.06.2015 presently retired from the post of TGT (Arts) from GMS Thana Drogan, U/c GSSS Tauni Devi, District Hamirpur, Himachal Pradesh aged about 60 years
8	Joginder Singh S/o Shri Pohlo Ram, R/o. Village Chalara, Post Office Nain, Tehsil Dhatwal, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 02.01.2009 on contract basis and regularized on 22.06.2015 presently posted at GHS Chakmoh, U/c GSSS Bijhari, District Hamirpur, Himachal Pradesh
9	Kamlesh Kumari S/o Shri Jagdish Chand R/o Village House No. 228, Ward No. Pratap Nagar, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 17.11.2008 on contract basis and regularized on 22.06.2015 Presently posted as Lecturer in Economics at GSSS Kakriar, District Hamirpur, Himachal Pradesh aged about 52 years
10	Kiran Kumari W/o Shri Suresh Kumar, R/o VPO Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (NonMedical) on 14.11.2008 on contract basis and regularized on 22.06.2015 presently posted at GMS Balokhar, U/C GSSS Patta, District Hamirpur, Himachal Pradesh aged about 48 years
11	Kumari Happy D/o Kishore Chand, R/o Village Gadru, Post Office Sul Khan, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 02.12.2008 on contract basis and regularized on 23.06.2015 Presently posted at GHS Khatarwar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 44 years
12	Ludder Dutt, S/o Shri Prabhu Ram, R/o Village Kolta Rajpootan, Post Office, Ghumarli, Tehsil Barsar, District Hamirpur, Himachal Pradesh on initially joined as TGT (Non-Medical) 14.11.2008 on contract basis and regularized on 22.06.2015 presently posted at GMS Kanoh, U/c GSSS Bair, District Hamirpur, Himachal Pradesh aged about 46 years
13	Manisha Kumari D/o Shri Kirpa Ram, R/o VPO Tal, Tehsil and District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 04.12.2008 on contract basis and regularized on 24.06.2015 Presently posted at GHS Ropri, District Hamirpur, Himachal Pradesh aged about 43 years
14	Meena Kumari, D/o Shri Basant Ram, R/o Village Kankari, Post Office Didwin, Tehsil and District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 09.12.2008 on contract basis and regularized on 23.06.2015 Presently at GSSS posted as Lecturer in Mathematics Kharwar, District Hamirpur, Himachal Pradesh aged about 45 years
15	Mukesh Kumar S/o Shri Gian Chand, R/o Village Chowk, Post Office Booni, Tehsil Nadaun, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 24.11.2008 on contract basis and regularized on 22.06.2015 Presently posted at GMS Jani U/c GSSS Kangoo, District Hamirpur, Himachal

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	Pradesh aged about 45 years
16	Neeraj Nishchal, S/o Shri Amar Nath, R/o Village Palhi, Post Office Bhareri, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 05.12.2008 on contract basis and regularized on 22.06.2015 Presently posted at GHS Kanjain, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 45 years
17	Pawan Kumar, S/o Shri Sunka Ram, R/o Village Jahu Kalan, PO Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 17.11.2008 on contract basis and regularized on 22.06.2015 Presently posted as Lecturer in Economics at GSSS Bhukkar, District Hamirpur, Himachal Pradesh aged about 53 years
18	Pradeep Kumar, S/o Shri Rikhi Ram, R/o Village Tooh, Post Office Dungrin, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 09.12.2008 on contract basis and regularized on 23.06.2015 Presently posted at GHS Khuthrin, District Hamirpur, Himachal Pradesh aged about 44 years
19	Rajesh Kumar S/o Shri Tulsi Ram, R/o Village Lajhiani, Post Office Nagrota, Gazian, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 03.12.2008 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Darbiar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 46 years
20	Raj Kumari D/o Shri Kahan Chand, R/o Village Drobari, Tehsil Tauni Devi, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 22.11.2008 on contract basis and regularized on 23.06.2015 Presently retired from the post of TGT (Arts) from GSSS Darbiar, Tehsil Tauni Devi, District Hamirpur, Himachal Pradesh aged about 58 years
21	Sanjeev Kumar Singh S/o Shri Jagdish Chand, R/o Village Lohakhar, PO Guwardu, Tehsil Bamson at Tauni Devi, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) 01.12.2008 on contract basis and regularized on 22.06.2015 Presently posted at GHS Tikkari, U/c GSSS Gaura, District Solan, Himachal Pradesh aged about 52 years
22	Satish Kumar S/o Shri Mela Ram, R/o VPO Jahu, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Non-Medical) on 03.02.2009 on contract basis and regularized on 23.06.2015 Presently posted as Lecturer in Economics at GSSS Chalehli, District Bilaspur, Himachal Pradesh aged about 51 years
23	Shallu, S/o Shri Mehar Singh, R/o Village Kenjwin, Post Office Kharwar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 03.12.2008 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Parwanoo, District Solan, Himachal Pradesh aged about 44 years
24	Smt. Asha Kumari, W/o Shri Raj Kumar, R/o Village and Post Office Balauni (Ramehra), Tehsil Baldwara, District Mandi, Himachal Pradesh initially joined as TGT (Arts) on 07.11.2008 on contract basis and regularized on 22.06.2015 presently posted at GSSS Bhambla, District Mandi, Himachal Pradesh aged about 50 years
25	Smt. Meena Kumari W/o Shri Mehar Singh, R/o VPO Mundkhar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 15.11.2008 on contract basis and regularized on 23.06.2015 presently posted at GSSS Jahu, District Hamirpur, Himachal Pradesh aged about 52 years
26	Smt. Sheela Devi, W/o Bansi Ram, R/o Village and PO Manwan, Tehsil Baldwara, District Mandi, Himachal Pradesh initially joined as TGT (Arts) on 19.11.2008 on contract basis and regularized on 23.06.2015 presently posted at GSSS Baldwara, District Mandi, Himachal Pradesh aged about 52 years
27	Sneh Lata D/o Shri R. K. Paul, R/o Village Saloh, Post Office Hathol, Tehsil Nadaun, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 22.11.2008 on contract basis and regularized on 22.06.2015 Presently retired from the post of TGT (Arts) from GSSS Hathol, Tehsil Nadaun, District

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	Hamirpur, Himachal Pradesh aged about 59 years
28	Sudesh Kumari D/o Shri Paras Ram, R/o Village Godam, Post Office Kangoo, Tehsil Nadaun, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 07.11.2008 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Batran, District Hamirpur, Himachal Pradesh aged about 50 years
29	Trishla Devi, D/o Shri Ajit Singh, R/o Village Bumana, Post Office Tal, Tehsil and District Hamirpur, Himachal Pradesh initially joined as TGT (Medical) on 03.12.2008 on contract basis and regularized on 22.06.2015 Presently posted at GSSS Kharwar, District Hamirpur, Himachal Pradesh aged about 43 years
30	Verindera Kumari W/o Shri Narendra Singh, R/o Village Rajgarh, Ward No. 7 District Kangra, Himachal Pradesh initially joined as TGT (Arts) on 20.11.2008 on contract basis and regularized on 22.06.2015 presently retired from the post of TGT (Arts) from GSSS Sansarpur Terrace, District Kangra, Himachal Pradesh aged about 60 years
31	Vinay Kumar S/o Shri Bir Singh, R/o Village Tooh, Post Office Dungrin, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh initially joined as TGT (Arts) on 18.11.2008 on contract basis and regularized on 22.06.2015 Presently posted at GMS Lajhiani Uc GSSS Bahanwin, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh aged about 54 years

The Principal's/Headmaster/Incharge of the concerned schools are hereby directed that arrear be released as per Finance Department H.P. instructions issued vide letter No. Fin-E-1-C(17)-6/08 dated 07.01.2012, No. FIN(PR)-B(7)-16/98-III (Agriculture) dated 15.12.2011 & and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022 and entry in this regard may also be made in the service book of the petitioners. May inform the parties accordingly.

*M*  
Director Elementary Education,  
Himachal Pradesh.

Endst. No. Even dated: Shimla-1, the April, 2024

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. letter No.EDN-C-E(3)3/2020 dated 23.09.2020 & 30.11.2023.
2. All the Dy. Directors of Elementary/Higher Education of H.P.
3. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. with the direction that before proceeding further in the matter as per above directions it may be strictly ensured that the concerned TGT is a petitioner in the above referred CWP.
4. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
5. The concerned petitioner.
6. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
7. Guard file.



*M*  
Director Elementary Education,  
Himachal Pradesh.