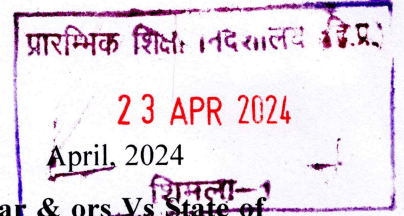


No:EDN-H(2)B(2)3202/2014-CC
Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.
Dated Shimla-the 171001 the



In the matter of CWP No. 3202/2014 titled as Anoop Kumar & ors Vs State of H.P. & Ors Decided on 08.05.2014.

OFFICE ORDER

Whereas, CWP No. 3202/2014 titled as Anoop Kumar & Ors Vs State of H.P. & Ors was listed before the Hon'ble High Court of H.P. on 08.05.2014 when after hearing the matter the Hon'ble High Court has passed the following orders:-

“Learned counsel for the petitioners, under instructions, does not press the present petition and submits that petitioners shall approach the respondents clearly bringing out the circumstances under which their case is covered by the decision rendered by this Court vide judgment dated 2.5.2012, passed in CWP No. 7602 of 2010-I, titled as Om Parkash vs. State of H.P. and others alongwith other connected matters (Annexure P-1).

2. No other point is urged.

3. Leaving the questions of law open, it is open for the petitioners to approach the respondents, as prayed for. As and when any request is received by the appropriate authority, the same shall be considered on its merits, in accordance with law, within a period of eight weeks, by affording adequate opportunity of hearing/representation to the petitioners. Needless to add, if the order is not in favour of the petitioners, the authority shall assign reasons while deciding the same, which shall be communicated to them. With the aforesaid observations, petition is disposed of, as also the pending application(s), if any.”

Whereas, in compliance to the order of the Hon'ble High Court of H.P. after thorough examination of the case of the petitioner Sh. Om Prakash it is revealed that the petitioners was initially appointed as TGT (Arts) through Ex-servicemen quota vide office order, No. EDN-H(2)B(2)34/2005-Contract (Ex-Man) Dated 20.12.2008. The appointment orders of the petitioner clearly shows that the R&P Rules of TGTs were amended on dated 22.10.2009 whereas the petitioner had been appointed as TGT (Arts) 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 posts reserved to Ex-servicemen 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

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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.

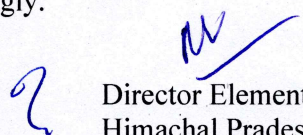
Whereas, the matter of regular appointment instead of contract appointment before the amendment of R&P Rules was decided by the Hon'ble High Court of H.P. in LPA No. 21 of 2013 alongwith LPA No. 54/2013 titled as State of Himachal Pradesh & Ors. Vs Sh. Om Parkash and other connected appeals on dated 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 petitioner Sh. Om Praksh S/o Sh. Mohar Singh retired as TGT (Arts) from GSSS Deem (Jubbal) Distt. Shimla r/o Vill Chanmaru, P.O. Praunthi Tehsil Jubbal Distt. Shimla is hereby considered as deemed regular employees of the State in the pay scale of Rs. 10300-34800 + 3600 Grade Pay plus other allowances on notional basis from the date when he was initially appointed/joined on contract basis.

The Principal of the concerned school is hereby directed that arrears 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 entry in this regard may also be made in the service book of the petitioners. May inform the parties accordingly.


Director Elementary Education,
Himachal Pradesh.

April, 2024

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

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. Sh. Om Praksh S/o Sh. Mohar Singh retired as TGT (Arts) r/o Vill Chanmaru, P.O. Praunthi Tehsil Jubbal Distt. Shimla H.P.
6. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
7. Guard file.

