

No:EDN-H(2)B(2)3435/2020-CC
Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
03 DEC 2024
शिमला-1

Dated Shimla-the 171001 the, November, 2024.

ORDER

Whereas, various judgments have been passed by the Hon'ble High Court of HP in numerous CWPs to consider and decide the representations made by the petitioners. After careful consideration of the representations the petitioners are seeking benefits in light of the judgement passed by the Hon'ble High Court of HP in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others and other connected matters.

Whereas, in view of the order of the Hon'ble High Court of H.P. the case of the petitioners is examined thoroughly and it is revealed that during 2002, the Department placed requisition to HPSSSB Hamirpur to fill-up 224 posts of TGT (Arts), 247 posts of TGT (NM) and 273 posts of TGT (Medical) on regular basis. In response to the Department requisition, the Secretary, HPSSSB, Hamirpur after completion of all codal formalities recommended the selection list of TGT NM & Medical vide letter No.HPSSSB-B(2)258/2002-3533 dated 10.12.2002 & No.HPSSSB-B(2)259/2002-3532 dated 10.12.2002. The name of the petitioners were also in the recommendation list of TGT Medical. The Recommendation of TGT (Arts) was not received as the personal interview was not held by the Secretary, HPSSSB, Hamirpur at that time. Thereafter, whole process of appointment and interview was stopped due to vigilance inquiry and as per Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13.03.2003. Later on, the Govt. vide its letter No: Shiksha-II-kha (1)3/98-Loose dated 28.8.08 & 30.7.09 accorded approval to appoint TGT Medical and TGT Non-Medical purely on contract basis as recommended by the HPSSSB, Hamirpur in the year of 2002 and accordingly the Department offered appointment to the eligible candidates as well as petitioners as TGT (Medical) & TGT (NM) purely on contract basis on 07.10.2008 & 24.08.2009 respectively. **The selection process for the post of TGT Arts was not completed by HPSSSB, Hamirpur in the year of 2002 as the interview process was not started by HPSSSB, Hamirpur in the year of 2002 and the same was completed in the year of 2012 as per order of the Hon'ble High Court of H.P. passed in CWP No: 3513/2009—Manoj Kumar Vs State of H.P. and others dated 03.08.2010 from the stage it was stopped.** In compliance of the High Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates of TGT (A) vide letter No. HP.SSSB-B(2)-257/2002-40499 dated 17.10.2011.

Thereafter, as per approval conveyed by the Government vide letter No. Shiksha-II-kha(1)3/98-Vol-II dated 16.2.2012, appointment was offered by the Department to the selected candidates as well as petitioners vide office order No. EDN-H(2)B(2)6/2011-Arts-HPSSSB dated 21.02.2012.

Whereas, later on as per approval conveyed by the Government vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme court passed in Special Leave to Appeal (C).....CC No(s)1171/2017 on dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Whereas, feeling aggrieved from this Department office order No.EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 vide which seniority numbers were allotted to the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur on the basis of requisition of 2002, Sh. Satish Kumar & five others filed O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & others in the Hon'ble H.P. Administrative Tribunal for the following relief:-

- a) Quash the impugned Office orders dated 05.04.2018 (Annexure A-14 and 15) being arbitrary, malafide and illegal;
- b) Direct the respondents to deem the applicant to have been appointed from the year 2002 with all consequential benefits for all purposes and intents alongwith arrears fo salary etc with interest thereon @ 18% pa till date;

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 and ordered that **“the petitioner shall be deemed to be appointed on 1st may, 2003, alongwith all consequential benefits.”**

Whereas the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No.EDN-H(2)B(2)3435/2020---

CC dated 29.04.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per order passed by the Hon'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits are granted to the petitioners from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Whereas, the Government vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 has conveyed the approval to implement the order of the Hon'ble High Court of H.P. in similar situated matters, on case to case basis on the analogy of main case of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. subject to the final outcome of further legal remedy.

Whereas, After verification of record it is found that the petitioners in present petitions were also selected through HPSSSB Hamirpur in the year of 2002 and their name was recommended for the post of TGT(M/NM/Arts). However, in the meantime the whole process of appointment was withheld by the Govt. and later on the petitioners were again got selected in the years 2006 to 2012.

In view of above facts and circumstances, the case of the petitioners is similarly situated to the petitioners in CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P, therefore, the petitioners are hereby considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors. The petitioners are entitled for notional increment from the deemed date of their appointment, however, since the petitioners have not worked on the post, therefore, the petitioners are not entitled to any monetary benefits from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment. The details of the petitioners are as under:-

Sr. No.	Name, Designation & place of posting of Petitioner	Sub	D.O.A/D.O.J.	CWPOA/CWP/Ex Pet No.
1	Archana W/o Sh. Jatinder Bhararia, Resident of Village and P.O. Gaggal, Opp. Asha Traders, Tehsil and District Kangra, H.P. aged 49 years.	Med	07.10.2008	CWP No 6058/2024

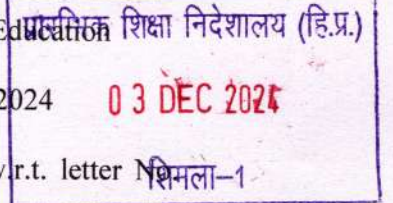
2	Sh. Dinesh Kumar TGT(NM), Resident of Village Gadhyani, Tehsil Sarkaghat, District Mandi, Himachal Pradesh.(CWP Filed by Kanchan Lata,(wife)	NM	24.08.2009	CWP No. 10003/2024
3	Ravinder Thakur s/o Sh. Narain Singh Thakur, aged about 44 years, presently working as Lecturer (English) in Government Senior Secondary School Khuddar Vill, Joli, PO, PO, Drahal, Tehsil, (Mandi), r/o Jogindernagar, Distt, Mandi, HP	NM	10.08.2006	CWP No.7759/2022 & CMP No. 2498/2024
4	Rahul Katoch s/o Sh. Chander Bhan, aged about 44 years, presently working as Lecturer (School New) in Government Model Senior Secondary School Jaisinghpur (Kangra), r/o Vill, Upper Khera, PO, Khera, Tehsil, Palampur, Distt, Kangra, HP	NM	24.08.2009	CWP No. 10926/2023
5	Mukesh Kumar s/o Sh. Milap Chand, aged about 46 years, presently working as Lecturer (School New) in Government Senior Secondary School Karanghat (Kangra), r/o Vill, Lower Khera, PO, Bai Da Patt, Tehsil, Palampur, Distt, Kangra, HP	NM	24.08.2009	CWP No. 10926/2023
6	Ajay Kumar s/o Sh. Suram Chand, aged about 46 years, presently working as Lecturer (Maths) in GMSSS Kotla (Kangra), r/o Vill, Kiyorian, PO, Bandi, Tehsil, Shahpur, Distt, Kangra HP	NM	24.08.2009	CWP No. 8448/2023
7	Kamal Chaudhary S/o Sh. Patti Ram Chaudary, aged 45 years, R/o behind Petrol Pump, Palampur, Distt. Kangra, H.P., presently working as TGT (non-Medical) in GHS Pantehar U/C GSSS Rajpur, Distt. Kangra, H.P	NM	24.08.2009	CWP No. 9060/2022
8	Karun Singh, aged 44 years S/o Late Sh. Prakash Chand R/o Village Gharayana Brahmana, Post Office Chowki Jamwalan, Tehsil and District Hamirpur, H.P. presently working as Lecturer in Hindi at Government Senior Secondary School Rangar, District Hamirpur, (H.P.)	NM	24.08.2009	CWP No. 3182/2024
9	Jagdish Kumar S/o Sh. Sardar Singh, aged about 48 years, R/o Village Denwari, P.O Khabal, Tehsil Chirgaon, Distt. Shimla, presently working as TGT (Non-Medical) in G.S.S.S Bosari, Tehsil Chirgaon, Distt. Shimla, H.P.	NM	24.08.2009	CWP No.5993/2024

10	Raju s/o Sh. Angroop, aged about 51 years, presently working as Lecturer (S/N) History in Government Senior Secondary School Salgran (L and S), r/o V and PO, Karpat, Tehsil, Udaipur, Distt, Lahaul and Spiti (HP)	Arts	21.02.2012	CWP No 5750/2024
11	Sher Singh s/o Sh. Sansar Chand, aged about 46 years, presently working as TGT (Arts) in Government High School Bhujund u/c Government Senior Secondary School Tindi (L and S), r/o Vill, Barour, PO, Tindi, Tehsil, Udaipur, Distt, Lahaul and Spiti, HP	Arts	20.02.2012	CWP No 5750/2024
12	Veena Devi w/o Sh. Ajeet Kumar, aged about 47 years, presently working as Lecturer (S/N) History in Government Senior Secondary School Thiroth (L and S), r/o V and PO, Sansha, Tehsil, Keylong, Distt, Lahaul and Spiti, HP	Arts	20.02.2012	CWP No 5750/2024
13	Late Sh. Rajinder Kumar, S/o Sh. Ramesh Chand r/o Vill, Bari, PO, Raja Ka Talab, Tehsil Nurpur, Distt, Kangra, HP (Petitioner Name- Sapna w/o Rajinder Kumar	Arts	20.02.2012	CWP No 3569/2024
14	Sohan Lal son of late Sh. Tota Ram Sharma, resident of Village Jamli, Post Office Thuram, Tehsil Jhandutta, District Bilaspur, Himachal Pradesh, presently working as Trained Graduate Teacher (Arts) at Government Senior Secondary School, Gullarwala (Karsoli), Nalagarh, District Solan Himachal Pradesh	Arts	20.02.2012	CWP No. 9179/2024
15	Sunil Kumar s/o Sh. Parkash Chand, aged about 56 years, presently working as Lect (Economics) in Government Senior Secondary School Dada Siba (Kangra), r/o V and PO and The, Dada Siba, Distt, Kangra, HP	Arts	20.02.2012	CWP No. 8456/2023
16	Devina Sharma d/o Sh. Murari Lal Sharma w/o late Sh. CK Sharma, aged about 63 years, presently retired as TGT (Arts) from Government (Model) Senior Secondary School Ganahatti, r/o House No. 31, Sharma Niwas, V and PO, Ganahatti, Tehsil and Distt, Shimla, HP.	Arts	20.02.2012	CWP No. 4322/2024
17	Hari Ram s/o Sh. Jokhar Ram, aged about 52 years, presently working as TGT (Arts) at GSSS Chhakoh (Bilaspur), r/o Vill Chambyara, PO Sikroha Tch. Sadar, Distt Bilaspur (HP)	Arts	20.02.2012	CWP No 9884/2024
18	Gur Ditta Ram s/o Sh Lamnu, aged about 45 years, presently working as Lecturer Biology at GSSS Sechunala (Pangi), r/o V and PO Kumar, Tehsil Pangi, Distt Chamba, HP	Med	27.05.2006	CWP No 9884/2024

19	Kamlesh Chand s/o Sh. Sadhu Ram, aged about 52 years, presently working as Principal at GSSS Polian Beet (Una), r/o V and PO Chhattarpur Teh and Distt Una, HP	Arts	21.02.2012	CWP No 9884/2024
20	Rajesh Kumar s/o Sh. Sant Ram aged about 50 years, presently working as TGT (NM) at GMS Kasla u/c GSSS Baha (Solan), r/o Vill Palwin P.O. Mair Teh. Galore Distt Hamirpur HP	NM	10.08.2006	CWP No 9884/2024
21	Asha Devi D/o Sh. Droga Ram, W/o Sh. Mohinder Singh resident of village Agwin, PO Bilhal, Tehsil Barsar, District Hamirpur presently working as TGT(Arts) at GHS Balh Bihal, Distt. Hamirpur(HP)	Arts	21.02.2012	CWP NO. 13350/2024

The concerned Principal/Headmaster/Incharge of the concerned of GSSS/GHS/GMS of H.P. is further directed that consequential benefits regarding monetary benefits qua the petitioners shall be released as per the instructions issued by the Finance Department H.P. vide letter No. FIN(PR)-B(7)-16/98-III (Agriculture) dated 15.12.2011, letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012 & 31.07.2024, 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.

Director Elementary Education
Himachal Pradesh.



EndstNo:Even

Dated:- November, 2024

Copy forwarded for information and n/a to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. letter EDN-C-E(4)2/2019-L dated 21.06.2024.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. CWPs Ibid.
3. The concerned Dy. Directors of Elementary/Higher Education of H.P.
4. The concerned Treasury Officer of HP.
5. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. where petitioners are presently working with the direction to go through the judgment and verify the details of petitioners before releasing benefits to the petitioners. In case any petitioner in the list not found similar to CWPOA 3435/2020 and other connected matters the case of petitioner may be referred back to this Directorate immediately.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioner.
8. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
9. Guard file.

Director Elementary Education
Himachal Pradesh.