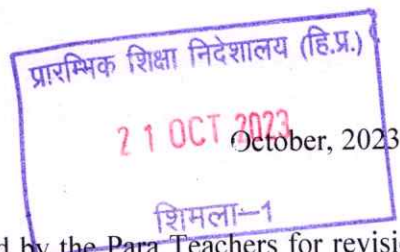


No. EDN-H(2)B(2)35/2023-Para Salary
Directorate of Elementary Education,
Himachal Pradesh, Shimla-01.

Dated : Shimla-171001



ORDER

Whereas, various court cases were filed by the Para Teachers for revision of pay scale in the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. had decided the matter in a common judgment delivered in CWP No. 4954 of 2012, titled as Madan lal and others Vs. State of H.P. and others and other connected matters, dated 07.11.2012 with the following directions:-

“In these cases, the petitioners have sought for the benefit of the decision of this Court in Nek Ram and others versus State of Himachal Pradesh and others in the matter of merger of 50% D.A. in some of the cases they have also sought for revision of the pay scale. Once the Para Teachers are brought at par with contract teachers w.e.f. 1.04.2007, all the benefits extended to the contract teachers should be available to the Para Teachers w.e.f. 01.04.2007 in the case of merger of D.A. or in the case of revision of pay scale.

Therefore, these writ petitions are disposed of with a direction to the Director Higher Education to issue appropriate instructions, if not already issued within a month from today, to see that the Para Teachers are paid same emoluments as are given to the contract teachers in the respective categories w.e.f. 01.04.2007. In any of these cases, the Para teachers have not been paid the vacation salary, the eligible vacation salary shall be paid to them within a period of three months from the date of production of a copy of this judgment by the petitioner concerned before the competent authority.”

And whereas, in compliance to the order of the Hon'ble High Court, the Department of Higher Education H.P. vide letter No. EDN-H(19)B(1)-4/2012-Para Salary dated 07.3.2013 and Department of Elementary Education H.P. vide letter No. EDN-H(III)B(2)CWP No. 49541/2012-(Para) Salary dated 26.07.2014 had issued instructions to all the Dy. DHE/DEEs to release the salary to Para Teachers at par with contract teachers w.e.f. 01.04.2007 to 31.03.2010 alongwith vacation salary.

And whereas, many petitioners have filed various execution petitions in the Hon'ble High Court of H.P. for grant of minimum of revised pay scale of Rs. 10300+3600 w.e.f. 01.04.2007 to 31.03.2010 and the Hon'ble High Court of H.P. in one of the execution petition No. 286 of 2022 has passed the following orders on dated 04.08.2023:-

“Order for execution whereof present petition has been filed, has been directing the respondents to extend the benefit to petitioners in terms of judgment rendered by this Court in CWP No. 4954 of 2012, titled as Madan lal and others Vs. State of H.P. and others, decided on 07.09.2012. In Madan Lal's case vide judgment dated 07.09.2012, financial benefits

were directed to be extended w.e.f. 01.04.2007, whereas in present case, the benefits have been extended from 01.04.2010.

Respondent have no authority to modify the judgment/direction passed by the High Court. Despite that, by releasing the monetary benefits from 01.04.2010 instead of 01.04.2007, an affidavit was filed stating that order passed by the Court has been complied with, which was factually incorrect.

Mr. Ghanshyam Chand, Director Elementary Education, Himachal Pradesh, is present in person. On his request, matter is adjourned by two weeks, enabling the respondents to rectify the mistake.

List for compliance report on 21.08.2023."

And whereas, a similar matter of para teacher in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was decided by the Hon'ble High Court of H.P. on dated 29.06.2022 on the basis of judgment rendered in LPA 105/2010 and the said judgment stand implemented by the Department vide office order No EDN-H(19)B(1)-4/2023-Para Salary dated 18.05.2023 and the petitioners (Para TGTs) have been granted the benefit of minimum of the revised pay scale of Rs. 10300-34800 with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 subject to the final outcome of the LPA filed in the Hon'ble High Court of H.P. vide e-filing No. EC-HPHC01-00637-2022 dated 06.02.2023 with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.

And whereas, the matter of grant of benefit of revised pay scale to the petitioners whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was taken up with the Government and the Government vide letter No. EDN-C-B(15)-14/2020 dated 20.08.2023 has directed to implement the judgement/order in favour of the petitioner Para Teachers, in personam, on the analogy of Madan Lal case and Pushap Raj Khimta cases, as the case may be subject to final outcome of further legal remedy, if any being exercised by the State. Therefore, in view of government instructions, since the judgment passed in CWPOA No. 7661 of 2019, titled as Pushap Raj Khimta Vs State of H.P. & ors has been implemented by the Department subject to the final outcome of the LPA filed in the Hon'ble High Court of H.P. against the order passed in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others dated 29.06.2022, therefore, the petitioners whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others are hereby granted the benefit of minimum of the revised pay scale of Rs. 10300-

34800/- with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 in personam subject to the final outcome of the LPA with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.

And whereas, in the matter of CWP No. 4023/2023 titled as Atul Bhaik & Others Vs State of H.P. has ordered on dated 10.08.2023 to decide the case of the petitioners on the analogy of CWPOA No. 7661 of 2019 titled as Pushap Raj Khimta and others Vs. State of H.P. & ors and after perusal of the record the case of the petitioners is found similar to Pushap Raj's case as the petitioner was also initially appointed as Para (TGT).

Now therefore, in view of above facts and circumstances, the petitioner (para TGT) is hereby granted consolidated amount Rs 13900/- as admissible to contract w.e.f. 01.04.2007 to 31.03.2010 subject to final outcome of the LPA:-

Sr. No.	Name, Designation & place of posting of Petitioner (Sh./Smt./Miss/Kumari)	CWPOA/CWP/Ex Pet No.
1	Atul Bhaik s/o Sh Trilok Chand Bhaik, Vill Brail, P.O. Kotgarh, Tehsil Kumarsain, Distt. Shimla, H.P. earlier Para TGT presently posted as lecturer English at GSSS Chail, Distt. Solan, H.P. aged about 47 years.	CWP No. 4023/2023
2	Ajay Kumar SharmaAddress: s/o Sh Dhian Chand, Village Ramehra, P.O. Jakhyol, Tehsil Bhoranj, District Hamirpur, H.P. earlier Para TGT presently posted as lecturer Physics at GSSS Heun Pehad, District Hamirpur, H.P. aged about 47 years.	CWP No. 4023/2023
3	Ashwani Thakur s/o Sh Chambel Singh, Village Tikkar, P.O. Kharwar, Tehsil Bhoranj, District Hamirpur, H.P. earlier Para TGT presently posted as lecturer Biology at GSSS Choru, District Hamirpur, H.P. aged about 45 years.	CWP No. 4023/2023
4	Harvinder Singh s/o Sh H.C Kanwar, VPO Kotighat, Tehsil Kumarsain, District Shimla, H.P. earlier Para TGT presently posted as Lecturer English, GSSS Pawdoa, District Shimla, H.P. aged about 46 years.	CWP No. 4023/2023
5	Kiran Bala d/o Sh Rai Singh, Village Udder, PO Kotighat, Tehsil Kumarsain, District Shimla, H.P. earlier Para TGT presently posted as Lecturer Sociology, at DIET Shamlaghat, District Shimla, H.P. aged about 46 years.	CWP No. 4023/2023
6	Parshwa Nath s/o Sh Prithvi Singh Mehta, VPO Kirti, Tehsil Kumarsain, District Shimla, H.P. earlier Para TGT presently working as Lecturer in English at GMSSS Virgarh, District Shimla, H.P. aged about 45 years.	CWP No. 4023/2023
7	Pradhuman Singh s/o Sh Hardyal Singh Mehta r/o Mehta Niwas, Sheesh Mehal, Rampur Bushahr, District Shimla, H.P. earlier Para TGT presently working as Lecturer Economics at GSSS Nogli, District Shimla, H.P. aged about 49 years.	CWP No. 4023/2023
8	Rajeev Kumar s/o Sh Lekh Ram Verma, Village Bamot, P.O. Pahal Sub Tehsil Dhami, District Shimla, H.P. earlier Para TGT Presently working as Lect. Economics at GSSS Mandhor Ghat, District Shimla H.P. (aged about 47 year)	CWP No. 4023/2023
9	Ravi Sharma s/o Sh Prabhu Dayal Sharma, Village Dhagoh, P.O. Hahlog Dhami, Tehsil and District Shimla H.P. earlier Para TGT Presently working as Lect. Biology at GSSS Dargi District Shimla H.P. (aged about 45 year)	CWP No. 4023/2023
10	Sandeep Kumar s/o Sh Madan Singh, Vill. Udder, P.O. Kotighat Tehsil Kumarsain, District Shimla H.P. earlier Para TGT Presently working as Lect. English at GSSS Dhalli, District Shimla H.P. (aged about 47 year)	CWP No. 4023/2023

11	Suman Shyam s/o Sh Roshan Lal, Village Chimla, P.O. and Sub Tehsil Kotgarh, District Shimla, H.P. earlier Para TGT presently posted as lecturer in Economics at GSSS Bhutti, District Shimla, H.P. aged about 45 years.	CWP No. 4023/2023
12	Sunil Verma s/o Sh Payare Lal, Village and P.O. Kanahar, Tehsil Kumarsain, District Shimla earlier Para TGT presently working as Lecturer Commerce at GSSS Khaneti Sadhoch, District Shimla, H.P. aged about 43 years.	CWP No. 4023/2023
13	Yugal Kishore s/o Sh Daya Ram, Village Palania, P.O. Bathalang, Tehsil Arki, District Solan, H.P. earlier Para TGT presently working as lecturer Economics at GSSS Dargi, District Shimla, H.P. aged about 45 years.	CWP No. 4023/2023

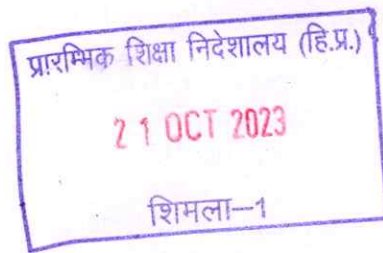
Accordingly, the concerned Principals/Headmasters/In-charge of GSSS/GHS/GMS of H.P. are hereby directed to release the arrear to the petitioners immediately subject to final outcome of LPA with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them. May inform the parties accordingly.

Director Elementary Education,
Himachal Pradesh.
October, 2023

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. Shimla-02 w.r.t. letter No. EDN-C-B(15)-14/2020 dated 20.08.2023
- 2 The District Attorney, (Internal) Directorate of Elementary Education HP, Shimla-1.
- 3 The DTO concerned.
- 4 All the Dy Directors of Higher/Elementary Education concerned in HP.
- 5 The DDO/Principal/Headmaster/In-charge in GSSS/GHS/GMS concerned where petitioners are presently working.
- 6 All the above mentioned petitioners.
- 7 In-Charge, IT Cell (Int) with the request to upload this order on the departmental website.
- 8 Guard file.



Director Elementary Education,
Himachal Pradesh.