

No. EDN-H(2)B(2)35/2023-Para Salary
Directorate of Elementary Education,
Himachal Pradesh, Shimla-01.
Dated : Shimla-171001 April, 2024



ORDER

Whereas, CWP No. 10883 of 2012-C was filed in the Hon'ble High Court of H.P. by those TGTs who were appointed under Para Teacher Policy, 2003 for grant of minimum of revised pay scale of Rs. 10300+3600 w.e.f. 01.04.2007 to 31.03.2010.

Whereas, the Hon'ble High Court of H.P. has passed the following order on 01.01.2013:-

“According to the petitioners, the issue is covered in their favour by the judgment of this court rendered in CWP No. 4954 of 2012, titled as Madan Lal & others versus State of H.P. & others, decided on 07.11.2012. If that be so, similar treatment shall also be extended to the petitioners herein also, as extended to the petitioners in the above referred decision, in case the petitioners are also similarly situated, within a period of three months from the date of production of a copy of this judgment alongwith copy of the writ petition by the petitioner before the competent authority”.

And whereas, after perusal of record it is found that various court cases were filed by the Para Teachers for revision of pay scale in the Hon'ble High Court of H.P. in the year of 2010 to 2012 and the Hon'ble High Court of H.P. had decided the matters 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

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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 have 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 01.04.210 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 and the said judgment has been stand implemented by the Department vide office order No. EDN-H(2)B(2)7661/2022-CC dated 20.04.2023 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.

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And whereas, the Hon'ble High Court of H.P. in LPA No. 105/2010 titled as State of H.P. Vs Rakesh Chand and other connected matter dated 13.12.2012 has passed the following judgment:-

“The direction in the judgment in Rakesh Chand’s case in CWP (T) No. 781 of 2008 for granting the running pay scale to the JBT teachers from the date of their initial appointment is set aside. However, it is held that the JBT teachers appointed on contract basis will be entitled to the initial of the pay scale attached to the post of JBT teachers and revised from time to time. It is also clarified that the principle that is applied in the case of the JBT teachers in equal force would apply to the School Lecturers appointed on contract basis. LPA No. 108 of 2012 is dismissed. All other appeals are partly allowed and the writ petitions are disposed of, so also the pending applications, if any”

And whereas the judgment passed in LPA No. 105/2010 titled as State of H.P. Vs Rakesh Chand and other connected matters dated 13.12.2012 was implemented by the Department of Elementary in respect of Junior Basic Teachers by granting emoluments of minimum of the revised pay scale from time to time. Thereafter, on the analogy of LPA No. 105/2010 the benefit of revision of emoluments were also given in the matter of Trained Graduate Teachers in compliance to the Government letter No. EDN-C-E(4)5/2019-L dated 15.07.2022 by confining it only to the petitioners.

And whereas, the matter of grant of benefit of revised pay scale to the petitioners (Para Teachers) whose cases were 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 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 judgment/order in favour of the petitioners (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. Accordingly, in view of government instructions, the judgment passed in CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and CWPOA No. 7661 of 2019, titled as Pushap Raj Khimta Vs State of H.P. & ors have been implemented by the Department in r/o other similar situated petitioners 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 vide office order No. EDN-H(2)B(2)35/2023-Para Salary dated 23.09.2023, 07.10.2023, 17.10.2023, 20.10.2023, 21.10.2023 & 29.12.2023 by granting the benefit of minimum of the revised pay scale of Rs. 10300-34800/- with appropriate grade pay of the post which works as Rs.

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13900/- (consolidated) as admissible to contract (TGTs) 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.

Now therefore, in view of above facts and circumstances, the petitioner is hereby granted the benefit of minimum of the revised pay scale of Rs. 10300-34800/- with appropriate grade pay of the post which works as Rs. 13900/- (consolidated) in personam as admissible to contract (TGTs) w.e.f. 01.04.2007 to 31.03.2010 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.

Sr. No.	Name, Designation & place of posting of Petitioner (Sh./Smt./Miss/Kumari)	CWPOA/CWP/Ex Pet No.
1	Chhewang Dorge S/o Sh. Rigzin Dorje age about 44 years occupation Lecturer GSSS Sagnam Pin Valley Tehsil Kaza Distt Lahaul Sapiti HP r/o VPO Sagnam Pin Valley Tehsil Kaza Distt Lahaul Spi-ti HP.	CWP No. 10883 of 2012-C

Accordingly, all the concerned Principals/Headmasters/In-charge of GSSSs/GHSs/GMSs of H.P. are hereby directed to release the arrear to all the petitioners immediately as per instructions issued by the Finance Department H.P. vide letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012 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.

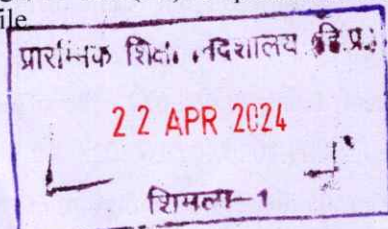
Director Elementary Education,
Himachal Pradesh.

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. 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) to upload this order on the departmental website.
- 8 Guard file



Director Elementary Education,
Himachal Pradesh.