

No. EDN-H(2)B(2)-17/2003(Taking Over)
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01

Dated Shimla-171001 the April, 2024

In the matter of CWPOA No. 4171/2019 titled as Kashmir Chand, TGT (Arts) & Ors Vs State of Himachal Pradesh & Ors decided on 22.12.2023.

ORDER

Whereas Sh. Kashmir, TGT (Arts) & others has filed CWPOA No. 4171/2019 titled as Kashmir Chand & ors Vs State of Himachal Pradesh & others for protection of pay from the date of taking over of their services with all consequential benefits.

Whereas, the Hon'ble High Court of H.P. disposed of the CWPOA No. 4171/2019 titled as Kashmir Chand & ors Vs State of Himachal Pradesh & others on 22.12.2023. Operative part of the order/judgment is as under:-

"Accordingly, in view of aforesaid observations, these petitions are allowed to the extent that petitioners are held entitled to the last pay drawn by them at the time of their services were taken over by the respondents-Department as a measure personal to them as has also been done by the respondents-Department in the case of similarly situated persons in terms of office orders dated 07.09.2012 and 21.07.2012. In other words, this Court holds that the petitioners are entitled for same parity with regard to the fixation of the salary as has been done by the Department in the case of incumbents referred to in office orders dated 07.09.2012 and 21.07.2012 (Annexure P-5 Colly in CWPOA No.4320 of 2019). The fixation of pay as well as benefits of revision thereof shall be given to the petitioners from the date, their services were taken over. Let, needful be done within a period of 90 days from today. In case, the needful is not done within a period of 90 days, then the Department shall be liable to pay interest upon the arrears @ 6% simple interest from the date of judgment till the date of the release of actual emoluments. Pending miscellaneous applications also stand disposed of."

Whereas, after thorough examination of the case of the petitioners it is revealed that Sh. Kashmir Chand, TGT (Arts), was appointed against the post of TGT in MIC High School Upper Lambagaon, Distt., Kangra, Sh. Ravinder Kumar, TGT (Arts) & Sh. Ashwani Kumar, TGT (Arts) were appointed in Nav Rashmi High School Rajal, Distt. Kangra, HP, Sh. Pavinder Kumar, TGT (Arts) Sh. Vipin Paul, TGT (NM), Sh. Sanjeev Kumar, TGT (Arts), Sh. Tripta Kumari, TGT (Arts) were appointed in Adarsh High School Zamanabad, Distt. Kangra, Sh. Chander Kanta, TGT (NM) was appointed in Public Middle School Gharana (Middle Wing), Distt. Kangra, HP against the post of TGT which were privately managed 95% aided Schools and with the prior approval of the Govt. conveyed vide letter No. Shiksha-II-Chha(10)2/2003-II dated 09.09.2005, the services of the

petitioners were taken over by the Department on regular basis vide this Directorate office order of even number dated 10.08.2006 & 23.09.2006 in the minimum pay scale of TGT.

Whereas, feeling aggrieved the petitioners filed present petition to protect their last pay drawn in privately managed 95% aided school at the time of taking over their services. In a similar matter, the pay of the petitioners in CWPOA No. 4320/2019 titled as Angrej Singh & others who were appointed against the posts of TGTs in other privately managed 95% aided schools has been protected by this Department in compliance to the orders of the Hon'ble Court of H.P.

In view of above facts and circumstances and in compliance to the orders of the Hon'ble Court, the last pay drawn by the petitioners in privately managed 95% aided MIC High School Upper Lambagaon, Distt. Kangra, Nav Rashmi High School Rajal, Distt. Kangra, HP, Adarsh High School Zamanabad, Distt. Kangra & Public Middle School Gharana (Middle Wing), Distt. Kangra, HP at the time of taking over their services to Elementary Education is hereby protected.

The concerned Principal/Headmaster/Incharge 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-E-I-C(17)-6/08 dated 07.01.2012 and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022.

DIRECTOR

April, 2024

Endst. No: As Even Dated: Shimla the

Copy forwarded for information and further necessary action to :-

1. The Secretary (Education) to the Govt. of H.P. for kind information.
2. The District Attorney (Education) w.r.t. CWP ibid.
3. All the Deputy Director of Elementary Education concerned.
4. All the Principal/Headmaster of the school concerned.
5. Sh. Kashmir Chand, (Retd. TGT) S/o Sh. Lekh Chand, V&PO Barram, Teh. Jaisingpur, Distt. Kangra, HP.
6. Sh. Ravinder Kumar, TGT (NM) S/o Sh. Prem Chand, VPO Upper Lamba Gaon, Teh. Jaisingpur, Distt. Kangra, HP.
7. Sh. Ashwani Atwal S/o Sh. Roop Singh, VPO Janyankar, Teh. & Distt. Kangra, HP.
8. Sh. Pavinder Kumar, (Retd. TGT (Arts), S/o Sh. Brij Lal, Vill. Birta, P.O. Ghurkarhi, Teh. & Distt. Kangra, HP.
9. Sh. Vipin Paul, S/o Sh. Roop Singh, VPO Zamanabad, Teh. & Distt. Kangra, HP, GMS Rounkhar, u/c GSSS Sarathana, Distt. Kangra, HP.
10. Sh. Sanjeev Kumar, (Retd. TGT (Arts), S/o Sh. Manohar Lal, Vill. Abdullapur, P.O. Zamanabad, Teh. & Distt. Kangra, HP.
11. Smt. Tripta Kumari, TGT (Arts), D/o Sh. Roshan Lal, VPO Zamanabad, Teh. & Distt. Kangra, HP.
12. Sh. Chander Kant Sharma, S/o Sh. Ganesh Dutt, Vill. Sihoti, P.O. Teh. Khundian, Distt. Kangra, HP.

13. Guard file.

V.T.



DIRECTOR