

No:EDN-H(2)B(2)2782/2019---CC
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01.
Dated Shimla-171001 the

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

04 JUL 2024
July, 2024

In the matter of CWPOA No. 2782/2019 titled as Narender Singh Thakur and others Vs State of H.P. and ors decided on 14.03.2024.

ORDER

Whereas, CWPOA No. 2782/2019 titled as Narender Singh Thakur and others Vs State of H.P. and ors was listed before the Hon'ble High Court of H.P. on 14.03.2024 when after hearing the matter the Hon'ble High Court has passed the following orders:-

"13. It is clear from the office order dated 01.12.2023 (Annexure P-8) that the State Government has implemented the judgment dated 24.04.2014, passed in CWP No. 414 of 2014, titled Kuldeep Chand vs. State of H.P. and Others by applying the principle as laid down while deciding LPA No. 54 of 2013. The relevant portion of office order dated 01.12.2023, reads as under: "In view of above facts and circumstances and in compliance to the order passed by the Hon'ble High Court of H.P. in the matter of LPA No. 54/2013 State of H.P. Vs. Om Prakash alongwith LPA Nos. 18, 21, 22, 26, 37, 38/2013, 4059/2013 & 4060/2013 & other connected matters dated 04.10.2019 and in compliance to the order passed by the Hon'ble High Court of H.P. in Execution Petition No.94/2020 in CWP No. 414/2014 titled as Kuldeep Chand & other vs. Connected matters on dated 28.11.2023 and further approval conveyed by the Government to implement the judgment passed in the instant matters vide letter No. EDN-C-E(3)3/2020 dated 23.09.2020 & No.EDN-C-E(3)3/2020 dated 30-11-2023, all the petitioners (TGTs) in CWP No. 414/2014, Kuldeep Chand vs. State of H.P. & connected matters, CWP No. 6383/2014- Manoj Kumar Vs State of H.P. & 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 H.P. & others, CWP No. 6750/2014 – Chhime Angmo Vs. State of H.P. & others, who were appointed as TGT (Arts/NM/Medical) through batch-wise basis on contract basis vide this Directorate office order No. EDNH(2)B(2)5/2008-(Non-Med.)-Deptt. Dated 14.11.2008. No. EDN-H(2) B (2) 5/2008-(Medical)-Deptt. Dated 25.11.2008 & No. EDN-H(2)B(2)6/2008-(Arts)-Deptt. Dated 19.8.2009 are hereby considered as deemed regular employees in the pay scale of Rs.10300-34800+3600 Grade Pay plus other allowances with all consequential benefits

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from the date when they were initially appointed on contract basis. 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-IC(17)-6/08 dated 07.01.2012 and No.Fin-(PR)B(7)-1/2021- Loose dated 17.09.2022.”

14. Thus, the petitioners being similarly situated cannot be dealt with differently by same employer.

15. Accordingly, the instant petition is allowed with direction to the respondents to grant all such benefits to the petitioners as have been granted to the petitioners in CWP No.414 of 2014, titled Kuldip Chand vs. State of H.P. and others, vide office order dated 01.12.2023, issued by the Director Elementary Education, Himachal Pradesh, within six weeks from the date of passing of this judgment.

16. The petition stands disposed of, so also the pending miscellaneous application(s), if any.”

Whereas, after thorough examination of the case it is revealed that in the year of 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 purely on contract basis through batchwise basis vide requisition No. EDN-H(2)B(2)3/2008-Requisition dated 27.06.2008 and requisitions were also sent to the Secretary, H.P. Subordinate Services Selection Board, Hamirpur, Director, Ex-servicemen Employment Cell, Hamirpur, Physically Handicapped Cell H.P., and Director, Sports Cell, H.P. vide requisition No. EDN-H(2)B(2)3/2008-Requisition dated 27.06.2008 & 14.07.2008 to fill up the posts of TGTs purely on contract basis, however, the specific 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. In response to the Department requisition No. EDN-H(2)B(2)3/2008-Requisition dated 14.07.2008, Director, Ex-servicemen Cell, Hamirpur, vide letter No.DSW/Emp(Ex-Cell)OC-19/2008 dated 27.08.2008 & 20.09.2008, No.DSW/Emp(Ex-Cell)OC-20/2008 dated 27.08.2008 & 20.09.2008 and No.DSW/Emp(Ex-Cell)OC-18/2008 dated 19.11.2008 issued NAC (Non Availability Certificate) to fill up 131 posts of TGT NM, 126 posts of TGT Medical and 54 posts of TGT Arts respectively amongst Ward of Ex-servicemen, and accordingly, the Department placed requisition to all Employment Exchanges to fill up the vacancies reserved for Ward of Ex-Servicemen category on contract basis

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vide Ednst. No.EDN-H(2)B(2)3/2008-Requisition (Vol-I) dated 02.01.2009. Thereafter, as per Batchwise Merits drawn against the requisition dated 27.06.2008 & 02.01.2009, recommendation received through Secretary, HPSSSB, Hamirpur against the requisition dated 27.06.2008, recommendation received through Ex-servicemen Cell, Hamirpur from time to time against the requisition dated 27.06.2008 and recommendation received through Sports Cell, H.P. from time to time against the requisition dated 27.06.2008, the Department offered appointment to all eligible candidates on contract basis selected through batchwise basis, selected through HPSSSB, Hamirpur, Ex-servicemen recommended by Ex-servicemen Cell, Hamirpur and sportspersons recommended by Sports Cell H.P. vide office order, No. EDN-H(2)B(2)5/2008-(Medical)-Deptt. Dated 25.11.2008, No. EDN-H(2)B(2)6/2008-Medical/(Deptt.) Dated 27.01.2009, No. EDN-H(2)B(2)6/2008-Med-(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 28.05.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 19.08.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-Med-(Deptt.) Dated 17.04.2010, No. EDN-H(2)B(2)5/2008-Med-(Deptt.) Dated 19.06.2010, No. EDN-H(2)B(2)5/2008-Med-(Deptt.) Dated 06.08.2010, No.EDN-H(2)B(2)5/2009-10(Medical)-HSSSB dated 17.08.2010, 04.09.2010, No.EDN-H(2)B(2)6/2009-10(Med)-HPSSSB dated 18.06.2011, No.EDN-H(2)B(2)5/2008-(Non-Med.)-Deptt. Dated 14.11.2008, No.EDN-H(2)B(2)6/2008-NM(Deptt.) Dated 21.02.2009, No.EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 28.05.2009, No.EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 20.04.2010, No. EDN-H(2)B(2)CWP-2645/2008 Dated 27.12.2010, No. EDN-H(2)B(2)5/2009-10(Non-Medical)-HPSSSB dated 24.09.2010, 28.09.2010, No. EDN-H(2)B(2)6/2009-10(NM)-HPSSSB dated 18.06.2011, No. EDN-H(2)B(2)6/2008-(Arts)-Deptt. Dated 07.11.2008, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.02.2009, No: EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 22.05.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.05.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 19.08.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 17.04.2010, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 27.04.2010, No. EDN-H(2)B(2)-CWP-1268/2008 Dated 09.09.2010, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 16.09.2010, No. EDN-H(2)B(2)5&6/2008-(Arts)B.W. Dated 01.03.2011, No.EDN-H(2)B(2)5/2009-10(Arts)-HPSSSB dated 21.07.2010, 04.09.2010, NO. EDN-H(2)B(2)-6/2010-HPSSSB-Hamirpur dated 19.03.2011, No. EDN-H(2)B(2)6/2009-10(Arts)-HPSSSB dated 18.06.2011, No.

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EDN-H(2)B(2)34/2005-Contract (Ex-Man) Dated 20.12.2008, No. EDN-H(2)B(2)34/2005-Contract (Ex-Man) Dated 26.12.2008, No. EDN-H(2)B(2)6/2008-(Ex-Man) Dated 28.02.2009, No. EDN-H(2)B(2)6/2008-(Ex-Man) Dated 06.08.2009, No. EDN-H(2)B(2)6/2008-EXM Dated 15.03.2010, No. EDN-H(2)B(2)6/2008-EXM Dated 24.05.2010, No. EDN-H(2)B(2)5&6/2008-Sports Dated 28.02.2009, 06.08.2009, No.EDN-H(2)B(2)-5&6/2009-WEXM(A/NM/M) dated 21.11.2009, 27.11.2009, 30.11.2009, 29.01.2010, 06.03.2010, 17.04.2010, 24.05.2010 & 19.06.2010. The petitioners were also appointed as TGTs against the requisition dated 27.06.2008 vide above mentioned office orders through batchwise basis.

Whereas, some of the TGTs who were appointed on contract basis in the year of 2008 & 2009 prior to the insertion of contract condition in the R&P Rules of TGTs filed various civil writ petitions in the Hon'ble High Court of H.P. for regular appointment instead of contract appointment from the date of initial appointment on contract basis as such the provision of contract appointment was not inserted in the R&P Rules of TGTs and provision of regular appointment was in vogue. The Hon'ble High Court of H.P. disposed of these writ petitions **in terms of the judgments passed in CWP No. 7602 of 2010, titled Om Prakash Versus State of H.P. and others, and connected matters, and CWP No. 3144 of 2011, titled as Anju Devi Versus State of H.P. and others, subject to the outcome of LPAs No. 54 of 2013 and 500 of 2013.**

Whereas, the matter of regular appointment instead of contract appointment without the amendment of R&P Rules was decided by the Hon'ble High Court of H.P. in LPA No. 21/2013 and other connected LPAs on dated 04.10.2019 and the Director of Higher Education implemented the judgment passed LPA No. 54/2013 titled as State of Himachal Pradesh & Ors. Vs Sh. Om Parkash (connected with LPA No. 21/2013) filed 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 on regular basis instead of contract to the eligible petitioners as lecturer w.e.f. 06.02.2007.

Whereas, in 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, the matter of LPA No. 54/2013 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".

Whereas, the matter was again taken up with the Government vide letter No. EDN-H(2)B(2)54/2013-CC dated 24.04.2024 and in reference to the Department letter, the Secretary, (Education) to the Govt. of H.P. with the prior approval of Finance Department (Regulation) obtained vide File No. Fin(C)-B(15)-2/2020-L dated 09.05.2024 conveyed the approval to implement the orders of the Hon'ble High Court of H.P. in similar situated cases (TGTs/C&V categories) qua petitioners as well as to fence seater (including notional benefits to fence seater) vide letter No. EDN-C-E(3)3/2020 dated 15.05.2024.

In view of above facts and circumstances, the case of the petitioner is similar to the petitioners in CWP No.414 of 2014, titled Kuldip Chand vs. State of H.P. and others, therefore, in compliance to the orders passed by the Hon'ble High Court of H.P. and further approval conveyed by the Government vide letter No. EDN-C-E(3)3/2020 dated 15.05.2024, the following petitioners are hereby considered as deemed regular employees of the State in the pay scale of Rs. 10300-34800 + 3600 Grade Pay plus other allowances from the date when they were initially appointed/joined on contract basis with all consequential benefits:-


Sr. No.	Name and address of the petitioners	Sub.	D.O.B.	D.O.A.
1	Narender Singh Thakur S/O.Hakam Chand VPO.Kummi Tehsil Sadar Distt.Mandi	Med	01.06.70	25.11.08
2	Jai Singh S/O Shri Kheema Ram Village Malyara Po Jaidevi District Mandi	Med	20.05.75	25.11.08
3	Ashok Kumar S/O.Bhagat Ram VPO.Lohara Tehsil Sadar Distt.Mandi	Med	07.12.70	25.11.08
4	Roshan Lal S/O Misru Ram VPO Kanaid District Mandi	NM	29.01.79	14.11.08
5	Anju Kumari W/O Daya Ram Thakur Vill	NM	09.06.71	14.11.08

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	Silhanu PO Jaidevi District Mandi			
6	Pawan Kumar Gupta S/O Kanshi Ram Gupta VPO Rohanda District Mandi H.P.	NM	03.02.72	14.11.08
7	Parveen Kumari W/o Sh.Dev Parkesh Vill-Sev kera P.O & Teh-Kangra 176001	Arts	21.03.65	07.11.08
8	Sarojani Devi D/O Jagat Ram Vill Natehar PO- Kangra, Teh. & Distt. Kangra 176002	Arts	04.01.64	07.11.08
9	Sarita Devi D/O.Amrit W/o Sh. Suneel Kapoor, VPO Gopalpur Tehsil Sarkaghat Distt. Mandi H.P.	Arts	05.09.63	07.11.08
10	Chander Mohan S/O Sh.Parsotam Lal Vill-Kaned PO-GhynaKalan Teh-D/Sala District-Kangra176001	Arts	20.02.70	07.11.08
11	Babita Kumari D/o sh. Nek Ram VPO Junga Distt. Shimla H.P.	Arts	22.05.69	07.11.08
12	Sushil Kumar S/O Roshan Lal Vill-RehalPura P.O, Tehsil & Distt. Kangra 176001	Arts	01.02.65	07.11.08
13	Anil Kumar S/O Piar Singh V.P.O. Sunhi Tehsil Baroh District. Kangra 176037	Arts	09.08.72	07.11.08
14	Arpana D/o Sh. Nidhi Singh W/O Rakesh Rana, Mohalla Handeri PO Purana Bazar Tehsil sundernagar District Mandi	NM	20.04.69	14.11.08
15	Dharma Devi W/O Hem Raj Vill Chatrokhari PO Sundernagar Tehsil Sundernagar District Mandi H.P.	Med	12.04.79	25.11.08
16	Roshani D/O. Sh. Pal Vill. Darbathu .P.O. Lohara, Tehsil Balh Distt.Mandi	Med	12.05.79	25.11.08
17	Tilak Raj S/O.Sukhiya Ram VPO.Rajgarh Tehsil Sadar District.Mandi(H.P.)	Arts	09.04.74	07.11.08
18	Vandna D/O.Jagdish Chand, W/o Sh. Kamal Jaswal Vill. Sumar P.O. Bhapral Tehsil Ghumarwin Distt. Bilaspur H.P.	Med	23.12.76	25.11.08
19	Vandana Kumari D/O Nidhi Singh V Handeri Po Purana Bazar District Mandi	NM	25.05.71	14.11.08
20	Ravi Kant S/O Shri Muni Nath Vpo Jaidevi Tehsil Sundernagar District Mandi	Med	14.05.78	28.05.09
21	Devender Kumar Sharma S/O Sh. Amar Nath Sharma Vill. Sayar P.O. Dobha Tehsil Sadar Distt. Bilaspur,H.P.174001	NM	21.04.71	28.05.09
22	Man Singh S/O Lala Ram Vill & P.O. Jugahan Tehsil Sundernagar District Mandi	Arts	26.10.72	28.05.09
23	Bhup Singh S/O.Sh Devi Ram Vill.Satoh PO. Rajgarh Tehsil Sadar Distt. Mandi	NM	11.03.72	30.11.09
24	Sanju Sharma S/O .Sh. R.C.Sharma House No. .39/09, Gangi Niwas Bhagwan Mohalla Mandi Distt.Mandi.	Med	14.12.67	25.11.08
25	Sarita W/oVinod Sharma House No. 407/03 Near HPPWD Chief Office, Jail Road Mandi Distt Mandi	Med	04.09.71	25.11.08
26	Rajeshwari Sharma W/O.Rajender Kumar Sharma Vill. & P.O. Reur Tehsil Sadar Distt. Mandi H.P.	NM	26.06.69	14.11.08

27	Saneh Lata W/O.Yadvinder Singh V.Bagla Po.Nagchala Tehsil Balh Distt.Mandi	Med	06.10.79	25.11.08
28	Puja Vaidya W/o Sh. Sanjeev Vaidya D/O Ishwari Prasad Vaidya, House No. 189/8, Darmyana Mohalla Mandi, Distt.Mandi.	Med	17.02.73	25.11.08
29	Shailee Diwan D/o Sh. Shyam Sunder Di- wan #. 102/05 Samkheter Bazar Mandi Distt.Mandi	Med	09.08.75	25.11.08
30	Raksha Sankhyan W/o Umadutt, Sankhyan Goods Shimla-Mandi Transport Sunderna- gar District Mandi	Arts	02.04.62	07.11.08
31	Vibha Sharma W/o Sh. Rajender Raj Shar- ma, H.No. 216/8 Darmyana Mohalla, Mandi Distt.Mandi.	Med	21.12.73	25.11.08
32	Reena Devi W/O.Rattan Lal Verma VPO.Behna Tehsil Balh Distt.Mandi	Med	13.01.79	25.11.08

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 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.

Endst. No. even Dated Shimla-01 the July, 2024

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 15.05.2024.
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 and the appointment of the petitioner is as per requisition/advertisement issued before the amendment of R&P Rules of TGT i.e. before, 22.10.2009. if any petitioner who is appointed against the posts requisitioned/advertised after the amendment of R&P Rules, the cases of such petitioner shall be referred back to this Directorate immediately.
4. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
5. The concerned petitioner.
6. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
7. The Guard file.



Director Elementary Education,
Himachal Pradesh.