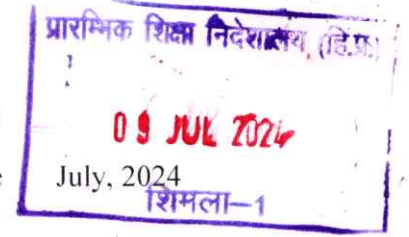


No:EDN-H(2)B(2)54/2013-CC
Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.
Dated Shimla-the 171001 the



OFFICE ORDER

Whereas, 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 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-

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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)-12258/2008-CC dated 09.01.2012, 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. 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.

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

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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, in CWP No. 1643 of 2024 titled as Ashwani Kumar & Ors the Hon'ble High Court of H.P. has ordered on dated 06.03.2024 that **“in case the petitioners are found entitled to the benefits of aforesaid judgment, they shall be granted all similar benefits as have been granted to the beneficiaries of judgment passed in LPA No. 21 of 2013. It is clarified that monetary benefits, if any available to the petitioner shall be restricted to a period of three years only immediately preceding the date of filing of instant petition”**,. Whereas, In similar CWPOA No. 3544 of 2020 titled as Neena Puri and ors the Hon'ble High Court of H.P. on dated 04.01.2024 has ordered that **“in case the respondents decide to extend the benefit of deemed regular appointment to the petitioner(s), as Trained Graduate teachers, from the date of initial appointment on contractual basis, then respondents shall grant the consequential benefits notionally. However, it is clarified that the respondents shall give the eligible monetary benefits, admissible to the petitioner (s) in accordance with law”**. As such the appointment of the petitioners is against the posts which were requisitioned/advertised much prior to the amendment of R&P Rules of TGTs when provision of regular appointment was in vogue, therefore, the appointment of such TGTs will also be governed by the R&P Rules which were in vogue at the time of requisition/advertisement.

Whereas, the matter was 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. Accordingly, the Department has implement the order of the Honble High Court of H.P. vide office order No:EDN-H(2)B(2)7556/2022-CC dated 05.01.2024 No:EDN-H(2)B(2)10902/2023-CC dated 01.03.2024, No:EDN-H(2)B(2)9135/2023-CC dated 20.04.2024, No:EDN-H(2)B(2)54/2013-CC dated 18.06.2024, No:EDN-H(2)B(2)2782/2019-CC dated 04.07.2024.


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In view of above facts and circumstances and in compliance to the orders passed by the Hon'ble High Court of H.P. in various CWPs 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, however, monatory benefits are restricted to a period of three years only immediately preceding the date of filing of petition:-

Sr. No.	CWP/CWPOA No.	Name and address of the petitioners	Sub.	D.O.B.	D.O.A.
1	CWPOA No. 3544/2020	Parveen Kumari D/o Sh Devinder Nath VPO Dehlan District Una	NM	30.05.70	14.11.08
2	CWPOA No. 3544/2020	Renu Choudhary D/O Sh Kuldeep Singh Hno 240 Wno 03 Mehatpur Distt Una	Med	25.05.78	28.05.09
3	CWPOA No. 3544/2020	Savita Devi D/o Sh. Shri Niwas Vatsa W/O Sh Suresh Sharma VPO Gondpur Banehra Tehsil Amb Distt Una	Med	20.08.67	25.11.08
4	CWPOA No. 3544/2020	Sartia Kumari D/O Gurdev Singh VPO Pandoga Distt Una	Arts	28.11.71	28.05.09
5	CWPOA No. 3544/2020	Suman Choudhary D/o Sh Amrit Saria Ram Chaudhary Vill Sasan Po Charatgarh Dist Una	NM	26.10.71	14.11.08
6	CWPOA No. 3544/2020	Manjeet kaur W/o Sh Manjeet Singh VPO Dehlan District Una	Arts	09.10.65	07.11.08
7	CWPOA No. 3544/2020	Sangeeta Chaudhary W/o Sh Ashok Kumar VPO Goglehar TehAmb District Una	Arts	31.08.68	07.11.08
8	CWPOA No. 3544/2020	Jyoti Parkash S/O Bidhi Chand Vill. Maslana Khurd Po Jhanjani Teh. Barsar (Hmr) 174305	NM	02.09.78	14.11.08
9	CWPOA No. 3544/2020	Madhu Thakur W/O Sh. Ranjit Singh Spehia VPO Panjwar Tehsil, Amb Distt Una	Med	07.11.71	25.11.08
10	CWP No. 1643/2024	Trilok Chand Bhatia S?o Sh. Munshi Ram Bhatia Vill. Chhatter P>o. Barota Tehsil Ghumarwin Distt. Bilaspur H.P.	Med	01.03.76	19.08.09

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(PR)-B(7)-16/98-III

(Agriculture) dated 15.12.2011, 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.

No:EDN-H(2)B(2)10902/2023-CC Dated 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.