

"OFFICE ORDER"

Whereas, various judgments have been passed by the Hon'ble High Court of H.P. in numerous CWPs/Ex. Pet/ Contempt petition to consider and decide the representations of made by the petitioners (TGT's) on analogy of Sanjay Kumar's case. After, careful consideration of the representation of the petitioners are seeking benefits in light of the judgment passed by the Hon'ble High Court of H.P. in CWP OA No. 5536/2020 Sanjay Kumar & others connected matter for benefit under new ACPs.

Whereas the operative part of the judgment passed by the Hon'ble High Court of H.P. in CWP OA No. 5536/2020 Sanjay Kumar & others v/s State of H.P. is as under:-

"True, it is that careful perusal of communication 26.02.2023, which has been relied heavily by the respondents, suggest that a govt. employee after rendering service of 4,9 & 14 years in a post or posts without any financial enhancement in the same cadre/post, if not promoted to higher level on account of non availability of a vacancy or non-existence of promotional avenue in the cadre, shall be granted the grade pay, which is next higher in the hierarchy of grade pay given in the schedule annexed to Revised Pay Rules, 2009 upto maximum grade pay of Rs. 8900/- and on placement in the next higher grade pay in the hierarchy of grade pays after services of 4,9& 14years, but such benefit of re-revision of pay shall be treated as financial enhancement for the purpose of granting benefit under 4-9-14 and 8-16-24-32 but there is nothing in dispute that vide notification dated 07.07.2014 (Annexure P-5), it specifically came to be clarified that once an employee has already got three enhancement /financial up-gradation ie.grant of progression under the new or old ACPs or promotion or any other financial upgradation expect the annual increment or the general pay revision based on the pay commission, in 14 years or more during his/her entire service will not be entitled for placement in next higher grade pay in the ACPs introduced vide instructions dated 09.08.2012. It is quite apparent from perusal of aforesaid letter that financial upgradation if any, on account of pay revision cannot be a ground to deny benefit under ACPs. Since, pay of the petitioners came to be enhanced on account of enhancement of grade pay, benefit of financial upgradation in terms of ACP cannot be denied.

Consequently, in view of the discussions, made herein above, this court find merits in the instant petitions and accordingly same are allowed. Office order dated 03.08.2018 (A-8) is quashed and set aside and the respondents are directed to consider the case of the petitioners for grant of financial upgradation under ACPS (4-9-14) time scale/enhancement after their having completed 14 years of service at par with their counterparts from the due date. Since, petitioners having been fighting for their rightful claim for years together, this court hopes the trusts that needful shall be done in terms of the directions contained in the instant judgments expeditiously preferably within a period of 4 weeks. Pending applications, if any also stands disposed of."

Whereas, the enhancement of grade pay were granted to the employee/petitioners w.e.f. 01.10.2012 which is considered as financial upgradation/ enhancement vide FD'd instruction No. Fin (FP)B(7)-64/2010 dated 26.03.2013 under new ACPs (4-9-14). Further, as per Finance Department letter dated 07.07.2014 and 09.09.2014 although a Govt. employee is entitled for three financial enhancement in his entire service carrier subsequently according to H.P. Govt. Finance Department letter dated 03.11.2016 the benefit is restricted in a span of first 14 years of regular service from entry level.

Whereas, this department has assailed the judgment passed by the Hon'ble High Court in CWPOA No. 5536/2025 titled as Sanjay Kumar & Others (alongwith connected matters) by filing SLP in the Hon'ble Apex Court. Further, in view of the above facts and circumstances, it is pertinent to mention here that the Hon'ble Chief Justice of H.P. has disposed of the LPA No. 146/2025 titled as Hardev Singh & others with the observation that the same become infructuous by virtue of the order passed in similarly situated cases as the SLP pending adjudication before the Hon'ble Apex Court.

And whereas, the said judgment was assailed by the State Government by way of filing SLP (C) No. 027726-027729/2024 before the Hon'ble Superme Court of India which was listed before the Hon'ble Superme Court on dated 02.09.2025 when the Hon'ble Apex Court was pleased to stay the proceedings of contempt filed on the basis of aforesaid Sanjay Kumar's case.

That in view of the above facts and circumstances and as per the order of the Hon'ble Supreme Court on dated 02.09.2025 when the Hon'ble Apex Court was pleased to stay the proceedings of contempt filed on the basis of aforesaid Sanjay Kumar's case. Therefore as and when the SLP filed by the State V/s Sanjay Kumar attained finality in the Hon'ble Apex Court further action in all CWP/Ex. Pet/ contempt petition filed by the petitioners in r/o TGT's will be taken accordingly. Hence, the representation annexed with the writ petition are decided and disposed off accordingly. All the concerned be intimated accordingly.

Directorate of School Education
26 SEP 2025
Himachal Pradesh, Shimla-171001


DIRECTOR

Endst no. even dated Shimla-171001 September, 2025.

Copy forwarded for information and further necessary action to:-

1. The Secretary (Education) to the Government of Himachal Pradesh, Shimla-1.
2. All the Deputy Director of School Education (Ele.)H.P. with the directions to intimate the all the concerned school accordingly.
3. The Supdt. Legal Cell, for information please.
4. Guard File.


DIRECTOR