

Dated: Shimla-171001, the December, 2024

In the matter of CWP No. 8909/2024 titled as Saurabh Thakur & Ors Vs State of H.P. & ors decided on 20.09.2024.

ORDER

Whereas, **CWP No. 8909/2024 titled as Saurabh Thakur & Ors Vs State of H.P. & ors** was filed by the petitioners in the Hon'ble High court of H.P. and after hearing the same has been disposed of by the Hon'ble High court of H.P. on 20.09.2024 as under:-

"7. Taking into consideration the fact that the petitioners have directly approached this court without firstly making representations to the employer vis-à-vis the relief being claimed in the petition, as prayed for, this writ petition is disposed of by granting liberty to the petitioners to file appropriate representation to the respondent vis-à-vis the issue raised in the present petition."

Whereas after careful consideration of representations of petitioners the petitioners are seeking benefits in light of judgement passed by Hon'ble High court in CWPOA No. 3435/2020 titled as Satish Kumar & others Vs State of HP & others.

Whereas, Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 and ordered that **"the petitioner shall be deemed to be appointed on 1st may, 2003, alongwith all consequential benefits."**

Whereas the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No. EDN-H(2)B(2)3435/2020---CC dated 29.04.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per order passed by the Hon'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits are granted to the petitioners from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Whereas, the Government vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 has conveyed the approval to implement the order of the Hon'ble High Court of H.P. in similar situated matters, on case to case basis on the analogy of main case of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. subject to the final outcome of further legal remedy.

Whereas, after careful examination of selection lists of 2002 & 2012 it is found that the petitioners in the present petition were not recommended by HPSSSB Hamirpur in the selection lists of 2002 & 2012 on the basis of requisition of 2002.

In view of the above, I am of the considered view that the case of petitioners in the present petition is completely different from the case of petitioners in CWP No. 3435/2020 titled as Satish Kumar & Ors Vs State of HP & ors as the petitioners in the CWP 3435/2020 were recommended by HPSSSB Hamirpur in the year 2002 & 2012 on the basis of requisition of 2002, whereas the petitioners in the present petition were not recommended by HPSSSB Hamirpur in the selection lists of 2002 & 2012. Hence, the applicants are not entitled for the benefits as was given to the petitioners CWP No. 3435/2020 titled as Satish Kumar & Ors Vs State of HP & ors. So, the case of petitioners is considered and rejected accordingly. The details of petitioners is as under:-

Sr. No	Petitioner Name & Address
1.	Saurabh Thakur s/o Sh. Lekh Ram Thakur, 48 years, presently working as TGT (Arts) at GMS Ravin Bassi Block Solan, r/o Vill Kawagri, PO Shamti, Teh Solan, Distt Solan, HP
2.	Anoop Singh s/o Sh. Natar Singh, aged about 46 years, presently working as Lecturer Commerce (SN) at GSSS Majhwar (Mandi), r/o VPO Jalpehar, Teh Joginder Nagar, Distt Mandi, HP
3.	Ashok Kumar s/o Sh. Roshan Lal, aged about 50. years, presently working as Lecturer Economics At Government Senior Secondary School Lambagaon, r/o VPO Upper Lambagaon, Teh Jaisinghpur, Distt Kangra, HP
4.	Braham Datt s/o Sh. Hem Raj, aged about 45 years, presently working as Lecturer (SN) in Political Science at GSSS Nasloh (Mandi), r/o Vill Lajhyani PO Nagrota Gazian, Tehsil Bhoranj Distt Hamirpur HP
5.	Dalbir Singh s/o Sh. Kulwant Singh, aged 49 years, presently working as Lecturer in English at GSSS Navgaon (Solan) r/o Vill Bakarti, PO Masiana, Teh Hamirpur Distt Hamirpur, HP
6.	Hari Singh s/o Sh. Roda Ram aged about 45 Years, presently working as lecturer Political science at GSSS Diyar (Kullu), r/o Vill Dhanyari PO Bari Gumanu, Tehsil Sadar, Distt Mandi, HP
7.	Kuldeep Lakherwal s/o Sh. Jai Chand, aged about 44 years, presently working as Lecturer Political Science (SN) at GSSS Gauna Karaur (Hamirpur), r/o Vill Lakhrehar, PO Kujabhal, Tehsil Sandhol, Distt Mandi, (HP)
8.	Rajeev Kumar s/o sh Prithi Chand, aged about 47 years, presently working as lecturer

	(S/N) in English at GSSS GARLI (Hamirpur), r/o Vill Balle (Ladraur Khurd), PO Ladraur, Teh Bhoraanj, Distt Hamirpur, HP
9.	Ram Lal /o Sh. Panch Ram, aged about 60 years, presently retired as Lecturer (PolSc.) from GSSS Jaisinghpur (Kangra), r/o Vill Chambi, PO Haler, Tehsil Jaisinghpur, Distt Kangra, HP
10.	Sanjay Kumar s/o Sh Beli Ram, aged about 45 years, presently working as Lecturer English (SN) at GSSS Matroo (Mandi), r/o Vill Chanjyar, PO Dhwali, Teh Dharampur, Distt Mandi, HP
11.	Shiv Kumar s/o Sh. Ram Prakash, aged about 45 years, presently working as Lecturer Economics At GSSS Sainthal (Mandi), r/o Vill Rulling, PO Kothi Kohar, Sub-Tehsil Multhan, Distt Kangra, HP
12.	Sudhir Kahlon S/o Sh. Balwant singh Kahlon, aged about 56 years, presently working as Lecturer (SN) English at GSSS Kharat (Kangra), r/o V and PO Sehathana, Teh Nagrota Bagwan, Distt Kangra, HP
13.	Sudhir Kumar S/o Sh. Kamer Chand aged about 48 years presently working as Lecturer (SN Hindi) at GSSS Punner (Kangra), r/o Vill Dehan, PO Dehan, Teh Palampur Distt Kangra, HP
14.	Tara Chand s/o Sh. Sudama Ram, aged about 45 years, presently working as Lecturer in History (SN) at GSSS Mangoo (Solan), r/o V and PO Kashlog, Tehsil Arki, Distt Solan, HP
15.	Prithi Paul s/o Sh. Ram Krishan, aged about 48 years, presently working as Lecturer (S/N) History at GSSS DHATTI (Kangra), r/o Vill Hatli, PO Gummer, Tehsil Jawalamukhi, Distt Kangra, HP

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Director Elementary Education
Himachal Pradesh, Shimla-I

Endst. No. Even Dated: Shimla-01, the December 2024

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. CWP ib.d.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP/OA.
3. All the concerned Deputy Directors of Higher/Elementary Education concerned in H.P.
4. Individual concerned.
5. The In-charge IT Cell to upload the same on departmental website.

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Director Elementary Education
Himachal Pradesh, Shimla-I

