

Dated Shimla-171001 the November, 2024  
**ORDER**

Whereas, CWP No. 7109/2024 titled as Ram Lal & others Vs state of HP and another, the Hon'ble High court has passed the following orders/judgments:-

*"2. Taking into consideration the fact that the petitioners have directly approached this Court without firstly making a representation to the employer vis-à-vis the reliefs being claimed in the petition, as prayed for, this writ petition is disposed of by granting liberty to the petitioners to file an appropriate representation to the respondent-Department vis-à-vis the issues raised in the present petition.*

*3. In the event of any such representation being filed within two weeks', let appropriate decision thereupon be taken by the competent Authority, within eight weeks' as from the date of the receipt thereof. Pending miscellaneous application(s), if any, stand disposed of accordingly."*

Whereas, in view of the order of the Hon'ble High Court of H.P. the case of the petitioners is examined thoroughly and it is revealed that during 2002, the Department placed requisition to HPSSSB Hamirpur to fill-up 224 posts of TGT (Arts), 247 posts of TGT (NM) and 273 posts of TGT (Medical) on regular basis. In response to the Department requisition, the Secretary, HPSSSB, Hamirpur after completion of all codal formalities recommended the selection list of TGT NM & Medical vide letter No.HPSSSB-B(2)258/2002-3533 dated 10.12.2002 & No.HPSSSB-B(2)259/2002-3532 dated 10.12.2002. The name of the petitioners were also in the recommendation list of TGT Medical. The Recommendation of TGT (Arts) was not received as the personal interview was not held by the Secretary, HPSSSB, Hamirpur at that time. Thereafter, whole process of appointment and interview was stopped due to vigilance inquiry and as per Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13.03.2003. Later on, the Govt. vide its letter No: Shiksha-II-kha (1)3/98-Loose dated 28.8.08 & 30.7.09 accorded approval to appoint TGT Medical and TGT Non-Medical purely on contract basis as recommended by the HPSSSB, Hamirpur in the year of 2002 and accordingly the Department offered appointment to the eligible candidates as well as petitioners as TGT (Medical) & TGT (NM) purely on contract basis on 07.10.2008 & 24.08.2009 respectively. **The selection process for the post of TGT Arts was not completed by HPSSSB, Hamirpur in the year of 2002 as the interview process was not started by HPSSSB, Hamirpur in the year of 2002 and the same was completed**

in the year of 2012 as per order of the Hon'ble High Court of H.P. passed in CWP No: 3513/2009—Manoj Kumar Vs State of H.P. and others dated 03.08.2010 from the stage it was stopped. In compliance of the High Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates of TGT (A) vide letter No. HP.SSSB-B(2)-257/2002-40499 dated 17.10.2011. Thereafter, as per approval conveyed by the Government vide letter No. Shiksha-II-kha(1)3/98-Vol-II dated 16.2.2012, appointment was offered by the Department to the selected candidates as well as petitioners vide office order No. EDN-H(2)B(2)6/2011-Arts-HPSSSB dated 21.02.2012.

Whereas, later on as per approval conveyed by the Government vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme court passed in Special Leave to Appeal (C).....CC No(s)1171/2017 on dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Whereas, feeling aggrieved from this Department office order No.EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 vide which seniority numbers were allotted to the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur on the basis of requisition of 2002, Sh. Satish Kumar & five others filed O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & others in the Hon'ble H.P. Administrative Tribunal for the following relief:-

- a) Quash the impugned Office orders dated 05.04.2018 (Annexure A-14 and 15) being arbitrary, malafide and illegal;
- b) Direct the respondents to deem the applicant to have been appointed from the year 2002 with all consequential benefits for all purposes and intents alongwith arrears fo salary etc with interest thereon @ 18% pa till date;

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and the 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 1<sup>st</sup> 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 verification of record it is found that these petitioners were also selected through HPSSB Hamirpur in the year of 2002 and their name was recommended for the post of TGT(Med/NM/Arts). However, in the meantime the whole process of appointment was withheld by the Govt. and later on the petitioners were again got selected in the years of 2006 to 2012 and they joined as TGTs in the years of 2006 to 2012.

In view of above facts and circumstances, the case of the petitioners is similarly situated to the petitioners in CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P, therefore, the petitioners are hereby 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. The petitioners are entitled for notional increment from the deemed date of their appointment, however, since the petitioners have not worked on the posts, therefore, the petitioners are not entitled to any monetary benefits from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment. The detail of the petitioners is as under:-

Sr. No.	Name & Address	D.O.A./D.O.J.
1.	Ram Lal s/o Sh. Ghalutu Ram, aged about 47 years, presently working as TGT (Arts) in Government Senior Secondary School Habban (Sirmaur), r/o Vill, Korab, PO, Habban, Tehsil, Rajgarh, Distt, Sirmaur, HP	21.02.2012

2.	Achla Sharma d/o Sh. Vijeshwar Dutta, aged about 47 Years, presently working as Lect in Biology G(B)SSS Hamirpur, r/o LIG-5 Housing Board Colony, Hamirpur, HP	07.10.2008
3.	Ajay kumar s/o late Sh. Salig Ram, aged about 49 years, presently working as Lecturer (SN) Chemistry in Government Senior Secondary School Dhanather (Bilaspur), r/o Vill, Sundru, PO, Gehrwin, Tehsil Jhandutta, Distt, Bilaspur, HP	10.08.2006
4.	Akshay Kumar Sharma s/o Sh. Dandu Ram Sharma, aged about 43 Years, presently working as TGT (Medical), Government Senior Secondary School Bala, (Bilaspur), r/o Vill, Baljol, PO, Balghar, Tehsil, Jhandutta, Distt, Bilaspur, HP	05.06.2006
5.	Anil Dhiman s/o Sh. Baldev Singh, aged about 45 Years, presently working as TGT (NM) in DIET HAMIRPUR at Gauna, (Hamirpur) r/o Vill, Chunal, PO, Jhaniara, Tehsil and Distt, Hamirpur, HP	21.08.2006
6.	Anu Bala w/o Sh. Acvinash Jublee, aged about 45 years, presently working as Lecturer (SN) Biology in Government Senior Secondary School Tang Narwana, r/o V and PO, Ghurkari, Tehsil and Distt, Kangra, HP	27.05.2006
7.	Arun Kumar s/o Sh. Chaman Lal, aged about 47 years, presently working as Lecturer Physics in Government Senior Secondary School Kamand, Sundernagar (Mandi), r/o V and PO and Tehsil, Nihri, Distt, Mandi, HP	24.08.2006
8.	Ashok Kumar s/o Sh. Budhi Singh, aged about 45 years, presently working as Lecturer S/N Chemistry in Government Senior Secondary School Gandhir (Bilaspur), r/o V and PO, Dahad, Tehsil, Jhandutta, Distt, Bilaspur, HP	27.05.2006
9.	Ashwani Kumar s/o Sh. Sh Sukh Ram, aged about 48 Years, presently working as Lecturer Political Science, in GMSSS Majheen (Kangra), r/o Vill, Jadwal, PO, Bara, Tehsil, Nadaun, Distt, Hamirpur (Hp) 177044,	27.05.2006
10.	Dhani Ram s/o Lt. Sh. Hirdu Ram, Aged about 53, Presently working as TGT(NM) and school name GMS Chamyar u/c GSSS MASERAN, r/o Vill Dhyan, Post Office Maseran, Tehsil Sarkaghat, District Mandi, HP	12.06.2007
11.	Dimple Sharma w/o Sh. Satinder Kumar Sharma, aged about 44 years, presently working as TGT (Medical) in Government Senior Secondary School Kataula (Mandi), r/o Jail Road, Mandi, Tehsil, Sadar, Distt, Mandi, HP	27.05.2006
12.	Gulshan Kumar s/o Sh. Munshi Kumar, aged about 47 years, presently working as Lecturer (S/N) Chemistry in Government Senior Secondary School Hourri Devi (Kangra), r/o Vill, Kardial, PO, Pharian, Tehsil, Jawali, Distt, Kangra, HP	10.08.2006



13.	Kamlesh Kumari d/o Sh. Paras Ram, aged about 46 years, presently working as Lectuere (SN) Physics in Government Senior Secondary School Baggi (Mandi), r/o V and PO, Mahadev, Tehsil, Sundernagar, Distt, Mandi, HP	07.06.2007
14.	Kuldeep Chand s/o Sh. Rajmal, aged about 48 years, presently working as Lecturer (Economics) in Government Senior Secondary School Boda (Kangra), r/o V and PO, Ghanetta, Tehsil, Palampur, Distt, Kangra, HP	20.06.2007
15.	Kumari Sharda d/o Sh. Bhagat Singh aged about 46 years, presently working as Lecturer in Political Science in GSSS Nigulsari Tehsil Nichar District Kinnaur-172101, r/o V and PO, Tranda, Tehsil, Nichar, Distt, Kinnaur HP 172101	07.10.2008
16.	Manish Bharti s/o Sh. Hakam Singh, aged 45 years, presently working as Lecture Physics in Government Senior Secondary School Daroka at Barial (Kangra) r/o Vill, Saknara, PO and Tehsil, Nagrota Surian, Distt, Kangra, HP-176027	24.08.2006
17.	Manoj Kumar s/o Sh. Amar Singh, aged about 47 years, presently working as Lecturer Physics in Government Senior Secondary School Bara (Hamirpur), r/o Vill, Bamhehar, PO, Balduhak, Tehsil, Nadaun, Distt, Hamirpur, HP	24.08.2006
18.	Meena Kumari w/o Sh. Kulbhushan Kumar, aged about 50 years, presently working as Lecturer. (History) in Government Senior Secondary School Tiara (Kangra), r/o Vill and PO, Nandher, Tehsil and Dist, Kangra, HP	19.04.2007
19.	Mohinder Paul s/o Sh. Karam Chand, aged about 49 years, presently working as Lecturer (SN) English in Government Senior Secondary School Talai (Una), r/o V and PO and Tehsil, Barsar, Distt, Hamirpur, HP	21.02.2012
20.	Monika s/o Sh. Prem Singh, aged about 47 years, presently working as a Lecture Biology in GSSS Samoh (Bilaspur), r/o V and PO, Bari Majherwin, Teh, Ghumarwin, Distt, Bilaspur, HP	15.06.2006
21.	Neelam Kumari w/o Sh. Gauri Dutt, aged about 44 years, presently working as Lecturer (SN) Biology in Government (Girls) Senior Secondary School Mandi, r/o V and PO, Balhara, Tehsil, Baldwara, Distt, Mandi, HP	27.05.2006
22.	Partap Singh s/o Sh. Chattro Ram, aged about 46 Years, presently working as Lect (Maths) Govt Sr. Sec. School Kiani (Chamba), r/o Vill, Patti, PO, Jassourgarh, Tehsil, Churah, Distt, Chamba, HP	29.03.2007
23.	Parveen Kumar s/o Sh. Udho Ram, aged about 50 years, presently working as Lecturer (S/N) English in Government Model Senior Secondary School Matlahar (Kangra), r/o PO, Nargala, PO, Matlahar, Tehsil, Jawali, Distt, Kangra, HP	27.05.2006

24.	Pramod Kumar s/o Sh. Pyare Lal, aged about 46 years, presently working as Lecturer Biology in Government Senior Secondary School Kallar (Bilaspur), r/o V and PO, Samoh, Teh, Jhandutta, Distt, Bilaspur, HP	14.06.2006
25.	Raj Kumar Jaswal s/o Sh. Bhoop Chand Jaswal, aged about 46 years, presently working as Lecturer (S/N) Mathematics in Government Senior Secondary School Gharan (Mandi), r/o Vill, Patwana, PO, Kot, Tehsil, Sarkaghat, Distt, Mandi, HP	10.08.2006
26.	Rajender Kumar s/o Sh. Paras Ram, aged about 50 years, presently working as Lecturer (SN) History in Government Senior Secondary School Kutahchi (Mandi), r/o V and PO, Mahadev, Tehsil, Sundernagar, Distt, Mandi, HP	24.08.2009
27.	Rajesh Kumar s/o Sh. Partap Chand, aged about 45 years, presently working as Lecturer (SN) English in Government Senior Secondary School Rajol (Kangra), r/o Vill, Barwala, PO, Ghiana Kalan, Tehsil, Dharamshala, Distt, Kangra, HP	27.05.2006
28.	Rajneesh Kanwar s/o Sh. Ganga Ram, aged about 46 years, presently working as TGT (NM) in Government Senior Secondary School Sohari (Hamirpur), r/o V and PO, Nara, Tehsil, Barsar, Distt, Hamirpur, HP	26.08.2006
29.	Ramesh Kumar s/o Sh. Tedi Singh, aged about 45 Years, presently working as Lecturer Chemistry Government Senior Secondary School Arsoo (Kullu), r/o Vill, Duga, PO, Buini, Tehsil, Nirmand, Distt, Kullu, HP	27.05.2006
30.	Ranjan Kumar s/o Sh. Punnu Ram aged 49 years, presently working as Lecturer (SN) Maths in Government Senior Secondary School Kohlari (Chamba), r/o Vill, Vill, Dhaney, PO, Saru, Tehsil and Distt, Chamba, HP	21.08.2006
31.	Ritesh Kumar s/o Sh. Kirti Ram, aged about 44 years., presently working as Lect. (SN) Biology in Government (M) Senior Secondary School Mandap, r/o Vill, Sajauri, PO, Sajaopiplu, Tehsil, Dharampur, Distt, Mandi, HP	27.05.2006
32.	Sagli Singh Thakur S/o Sh. Dharam Singh, aged about 48 years, presently working as Lecturer (English) in Government Senior Secondary School Gallian (Bilaspur), r/o Vill, Paplah, PO, Dhaloh, Tehsil, Ghumarwin, Distt, Bilaspur, HP	27.05.2006
33.	Sanjay Jaswal s/o Sh. Sant Ram, aged about 45 years, presently working as Lecturer (SN) English in Government Senior Secondary School Drahal (Mandi), r/o Vill, Chaloti (Nagdiara). PO, Bhararu, Teh, Jogindernagar, Distt, Mandi, HP	27.05.2006
34.	Santosh Kumar s/o Sh. Braham Dass, aged about 44 years, presently working as Lecturer (S/N) Commerce in Government Senior Secondary School Rakhota (Mandi), r/o Vill, Laka, PO and Tehsil, Sarkaghat, Distt, Mandi, HP	10.08.2006



35.	Sarita d/o Sh. Anant Ram Sharma w/o Sh. Dhiraj Kumar, aged about 48 years, presently working as Lecturer School New (Computer- Science), in GSSS Kehnwai (Mandi), r/o H- No.134/11 Tarna Hills Mandi, Tehsil, Sadar, Distt, Mandi, HP	24.08.2009
36.	Satish Kumar s/o Sh. Gandhi Ram, aged about 47 years, presently working as Lecturer (History) in Government Senior Secondary School Rapoh Missran (Una) r/o Vill, Ward No. 2, House No. 40, Main Bazar, Distt, Hamirpur, HP	21.02.2012
37.	Seema Rannout w/o Sh. Rajesh Kumar, aged about 46 years, presently working as TGT Medical in G(B)SSS SUJANPUR TIHRA, r/o Ward No. 02 Vill, Balh, PO, Mohin Tehsil and District Hamirpur HP 177001	07.10.2008
38.	Shaileshwar Sharma s/o Sh. Shri. Shankar Sharma, aged about 49 Years, presently working as Lecturer (SN) Physics in GSSS Kaulanwala Bhoad, (Sirmaur), r/o V and PO and Tehsil, Rajgarh, Distt, Sirmaur, HP	10.08.2006
39.	Shyam Kumar Arun s/o Sh. Lakhmir Singh, aged about 45 years, presently working as Lecturer Physics in Government Senior Secondary School Gharjarot (Kangra), r/o V and PO, Pharian, Tehsil, Jawali Distt, Kangra HP	07.06.2007
40.	Sita Devi w/o Sh. Jitender Kumar, aged about 44 years, presently working as Lecturer (S/N) English in Government Senior Secondary School Shakra (Mandi, r/o V and PO, Shakra, Tehsil, Karsog, Distt, Mandi, HP	30.05.2006
41.	Subhash Chand s/o Sh. Tulsi Ram, aged about 52 years, presently working as Lect. In Biology in G.S.S.S. Bagli (Kangra), r/o Vill, Dhanpur, PO, Lahar, Tehsil, Nadaun, Distt, Hamirpur HP 177044	09.01.2008
42.	Sunil Gautam s/o Sh. Baboo Ram Gautam, aged about 48 years, presently working as sLectuere (S/N) Biology in Government Senior Secondary School Barmana (Bilaspur), r/o V and PO, Panjgaim, Tehsil, Sadar, Distt, Bilaspur, HP	13.06.2006
43.	Suresh Kumar s/o Sh. Yog Raj, aged about 52 years, presently working as Lecturer (SN) Pol. Science in Government (Girls) Senior Secondary School Nadaun, r/o Vill, Ser, PO, Booni, Tehsil, Nadaun, Distt, Hamirpur, HP	21.02.2012
44.	Surender Rana s/o Sh. Roshan Singh Rana, aged about 54 years, presently working as Lecturer (Economics) in Government Senior Secondary School Bohni (Hamirpur), r/o Vill, Ward No. 11, Baru, PO, Mohin, Tehsil and Distt, Hamirpur (HP)	21.02.2012
45.	Vaneet Thakur s/o Sh. Jaswant Singh, aged about 44 years, presently working as Lecturer (History) in Government (U) Senior Secondary School Kalbog (Shimla), r/o Vill, Tang, PO, Jhallan, Tehsil, Nadaun, Distt, Hamirpur, HP	24.08.2006

46.	Vikas Chauhan s/o Sh. Chet Ram, aged about 45 years, presently working as Lecturer Chemistry in Government Senior Secondary School Jukhala (Bilaspur), r/o Vill, Bughar, PO, Chakkar, Tehsil, Arki, Distt, Solan, HP	27.05.2006
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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 & 31.07.2024, 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.

18 NOV 2024

शिमला-1


EndstNo:Even

Dated:-

November, 2024

Copy forwarded for information and n/a to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. letter No. EDN-C-E(4)2/2019-L dated 21.06.2024.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. CWP OA Ibid.
3. The concerned Dy. Directors of Elementary/Higher Education of H.P.
4. The concerned Treasury Officer of HP.
5. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. where petitioners are presently working with the direction to go through the judgment and verify the details of petitioners before releasing benefits to the petitioners. In case any petitioner in the list not found similar to CWPOA 3435/2020 and other connected matters the case of petitioner may be referred back to this Directorate immediately.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioner.
8. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
9. Guard file.

  
Director Elementary Education  
Himachal Pradesh.