

No. EDN-H(2)B(8)11/2023-Leave-(Court Cases)
Directorate of Elementary Education,
Dated: Shimla-171001, the , 2024

To

All the Deputy Director Elementary Education
Himachal Pradesh.

Subject:-

Clarification regarding accumulation of earned leave from
date of regularization of services retrospectively in
compliance to the judgments passed by the Hon'ble High
Court of Himachal Pradesh.

Sir,

Please find enclosed herewith letter received from the
Secretary (Education) to the Govt. of H.P. vide letter No.EDUC-E05/25/2024
dated 27.09.2024 regarding clarification regarding accumulation of earned leave
from date of regularization of services retrospectively in compliance to the
judgments passed by the Hon'ble High Court of Himachal Pradesh.

The matter has been examined at Government level and it
is found that cases similar situated to that of Sunita Sangroli (CWP No.
5043/2022) as per directions conveyed to Director of Higher Education Shimla
vide this office letter No.EDN-B-E(3)-4/2024 dated 01.08.2024 (Copy
enclosed).

You are therefore directed, that credit of earned leave may
be allowed without any financial benefits in favour of TGTs who have been
allowed regularization retrospectively with all consequential benefits.

Endst. No. Even dated. Shimla-171001,
Copy forwarded to:-

1. Nodal Officer IT (Internal) to upload in the Elementary Education Website.
2. Guard file


DIRECTOR

December, 2024.




DIRECTOR

477 E-II

01/10/24

URGENT

EDUC-E05/25/2024

Government of Himachal Pradesh
Elementary Education Department

From

The Secretary (Education) to the
Government of Himachal Pradesh

To

The Director of Elementary Education,
Himachal Pradesh Shimla-171001

Dated Shimla-2, the

27-09-2024

Subject:-

CWP No. 3900/2024 titled as Sheela Meekhan & others V/s State of HP &
Ors (Regarding consider the case of petitioner in light of judgment passed by
HHC in CWP No. 5043 of 2022 titled as Sunita Sangroli vs State of HP &
others)

Sir,

I am directed to refer to your letter No. EDN(Ele)-H(2)B(8)15(Leave), dated 17-09-2024 on the subject cited above and to say that aforesaid matter has been examined at Government level. It has been found that this matter is similar situated to that of Sunita Sangroli (CWP No. 5043/2022). As in the matter of Sunita Sangroli, only earned leave has been credit without any financial benefits as per directions conveyed to Director of Higher Education Shimla vide this office letter No. EDN-B-E(3)-4/2024, dated 01-03-2024.

Now, it has been decided by the competent authority that such similar situated cases may be decided by department at their own level, as per the directions conveyed vide letter No. letter No. EDN-B-E(3)-4/2024, dated 01-03-2024 (copy enclosed).

You are, therefore, requested to take further necessary action in the matter accordingly.

Yours faithfully,

(Sunil Verma)

Joint Secretary (Education) to the
Govt. of Himachal Pradesh
0177-2626450

Addl. Director (A)

56-5

22/9/24

D. Narain

01/10/24

E1, E2, E3 E4

B. D.

No. EDN-B-E(3)-4/2024
Government of Himachal Pradesh
Department of Higher Education

From

The Secretary (Education) to the
Government of Himachal Pradesh

The Director of Higher Education,
Himachal Pradesh, Shimla-1

Dated: Shimla-17/002

01.08.2024

Subject:

Clarification regarding accumulation of earned leave from date of regularization of services retrospectively in compliance to the judgment passed by the Hon'ble High Court of Himachal Pradesh in CMP No. 16892 of 2023 Sunita Sangroli Versus State of Himachal Pradesh & Ors. decided on 05.01.2024, in CWP No. 7019/23 Liaq Ram Sharma Vs State of H.P. and others decided on 28.09.2023, in CWP No. 8077/23 Praveen Kumar Vs State of H.P. & Ors. decided on 20.10.2023 and CWP No. 5780/2023 Vipin Kumar Guleria & Ors Vs State of H.P. & Ors decided on 04.10.2023.

Sir,

Refer to your letter No. Shiksha-Him(19)B(4)-2/2024(Court Cases) dated 25th April, 2024 on the subject cited above and to say that the matter has been examined and it has been found that in CWP No. 5043/2022 titled as Sunita Sangroli versus State of H.P. & Ors., the Hon'ble High Court on dated 08.08.2023 has quashed and set aside the Office Memorandum dated 06.07.2020 and directed to grant the benefits of earned leave to the petitioner from the initial date of regularization and in other cases also similar directions have been passed by the Hon'ble High Court.

These matters were examined in consultation with Law and Finance Department, whereas, the opinion of Law Department has been obtained in which the Law Department has opined to implement the judgment. It has been informed that in Execution Petition (T) No. 143 of 2020 titled as Parvati Sharma & Ors. Vs State of H.P. & Ors. the division bench of Hon'ble High Court on dated 08.01.2024 has passed following directions:-

Learned Additional Advocate General has placed on record instructions dated 06.01.2023 received from the Secretary (Health) to the Government of Himachal Pradesh, alongwith communication sent by the

Secretary (Health), to the Director Health Services. Vide communication dated 05.01.2024, from Secretary (Health) has directed the Director Health Services to take further necessary action to credit earned leave in the account of respective petitioner(s) pertaining to the period from 2003 to 2012, i.e. prior to the order of regularization, however, without financial benefits thereof.

In view of above, these petitions are closed and disposed of with liberty to the petitioner(s) to avail appropriate remedy for redressal of surviving grievance, if any. Pending applications, if any, also stand disposed of."

Therefore, you are directed to implement the order of Hon'ble High Court and credit the earned leave in the account of petitioners i.e. Sunita Sangroli (in CWP No. 5043 of 2022) and Parveen Kumar (In Ex. Pet. No. 551 of 2024) alongwith other similarly situated petitioners with effect from initial date of their regularization without any financial benefits. Further, you are also directed that if other similar cases arise and same are found similarly situated to these petitioners then such matters be decided at your own level on these lines without delaying the matters.

Yours faithfully,

(Rakesh Kanwar)
Secretary (Education) to the
Government of Himachal Pradesh

Endst. As above.

Dated, Shimla, the

2024

Copy forwarded to the Ld. Additional Advocate General, HP w.r.t. Ex. Petition No. 551/2024- Parveen Kumar Vs State of HP & Anr, which is listed before the HHC on 02.08.2024.

Secretary (Education) to the
Government of Himachal Pradesh