

No:EDN-H(2)B(2)10575/2023---CC-PTA

Directorate of Elementary Education,

Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the December, 2024



ORDER

Whereas, CWP No. 10575/2023 titled as Ravi Kant & ors Vs State of H.P. & ors was filed by the petitioners in the Hon'ble High Court of H.P. for similar relief as is given in CWP No. 342/2021 titled as Yashwant Singh & others Vs State of H.P. & others and the Hon'ble High Court of H.P. on dated 25.09.2023 has ordered as under:-

"Accordingly, this Court permits the petitioners to make a representation either jointly or separately to the respective Respondent/Competent Authority, as the case may within four weeks from today; with further directions to the aforesaid respondent/Competent Authority to consider/examine the case of the petitioners in light of the judgment passed by this Court in the case of Yashwant Singh (supra); against which the SLP filed by State Authorities-Respondents stands dismissed and the judgment has been implemented in case of many others and even juniors [Annexure P-8]; Notification dated 17.10.2023, Annexure P-9, and then to pass appropriate orders without discriminating the petitioners, in accordance with law, within six weeks thereafter and not later than 15.02.2024. The respondents are further directed to consider.

13. However, it is made clear that upon consideration, in case the petitioners are similarly situated, then, all admissible monetary benefits, preceding three years from the date of filing of this petition [20.12.2023], be extended, in case, the monetary benefits have been extended in Yashwant Singh (supra).

14. Needless to say that, this Court has not adverted to the rival contentions and merits of the matter and all Questions of facts and law are left open.

In aforesaid terms, pending miscellaneous application(s), if any, shall also stand disposed of, accordingly."

Whereas, CWP No. 342/2021 titled as Yashwant Singh & others Vs State of H.P. & others alongwith other similar connected CWPs was listed before the Hon'ble High Court of H.P. on dated 31.08.2022 whenafter hearing the matter the Hon'ble High Court of H.P. has passed the following orders:-

In view of above discussion, the petitions are allowed. Respondents are directed to regularize the petitioners w.e.f. the due date i.e. 01.04.2018. Needless to say that consequential benefits shall also follow. The petitions are accordingly disposed of so also the miscellaneous pending application(s), if any."

Whereas, the petitioners in CWP No. 342/2021 titled as Yashwant Singh Vs State of H.P. & Ors and other clubbed matters were also initially engaged as TGT (Arts/NM/Med.) as per the PTA (GIA) Policy, 2006 during the year 2006. Thereafter, the services of the petitioners were taken over on contract basis as per Government notification dated 16.08.2013 in the year of 2015. The services of the petitioner could not be regularized in the year of 2018 as such the matter of appointment of PTA GIA teachers was subjudice in the Hon'ble Supreme Court of India. Later on, the services of the petitioners were regularized with immediate effect vide this Directorate office order No. EDN-H(2)B(2)-36/2020-PTA regularisation dated 29.08.2020 & 01.09.2020 as per approval conveyed by the Government vide letter No. EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020.

Whereas, the services of those teachers who were appointed on contract basis as TGTs in the year of 2015 through direct recruitment and completed 03 years of continuous services on contract basis as on 31.03.2018 were regularized vide office order No. EDN-H(2)B(2)-34/2017-Regularisation (Contract) dated 14.06.2018.

Whereas, in compliance to the order of the Hon'ble High Court of H.P. passed in Yashwant Singh's case, the Government vide letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 & 04.12.2023 conveyed the approval to regularize the services of the petitioners in CWP No. 342/2021 titled as Yashwant Singh Vs State of H.P. and clubbed petitions (in this CWP and in Execution petition No. 86/2023) as well as other similarly situated petitioners in other CWPs w.e.f. 01.04.2018. Accordingly, the Department has regularized the services of the petitioners w.e.f. 01.04.2018 vide office order No.EDN-H(2)B(2)342/2021---CC-PTA dated 08.12.2023 and 11.12.2023.

Whereas, after thorough examination of the case of present petitioners, it is found that the petitioners were initially engaged as TGT (Arts/NM/Medical) as per the PTA (GIA) Policy, 2006 during the year 2006, 2007 and 2008. Thereafter, the services of the petitioners were not taken over on contract basis. The services of the petitioner was regularized with immediate effect vide this Directorate office order No. EDN-H(2)B(2)-36/2020-PTA regularisation dated 29.08.2020 , 01.09.2020 & 2022 & order dated 16.11.2022.

In view of above facts and circumstances, I am of the considered view that the case of the petitioners is not similar to CWP No. 342/2021 titled as Yashwant Singh & others Vs State of H.P. & others as the petitioners of the present petition were not completing 7 years of continuous services

till 03.01.2015 and were not eligible for taking over for contract basis. Hence, request of the petitioners to regularize the services of the petitioner w.e.f. 01.04.2018 on the analogy of No. 342/2021 titled as Yashwant Singh Vs State of H.P is not tenable and rejected straightway. The Details of petitioners as under:-

Sr. No.	Name & Address
1.	Pooja Thakur D/o Sh. Uttam Chand R/o Village Dain, PO Mandli Tehsil Bangana Distt. Una presently posted as TGT(Arts) at GSSS Sanhal, Distt. Una HP
2.	Rajni Devi W/o Sh. Raj Kumar R/o Village Chahar PO Barin-Mandir Tehsil Bamson (Tauni Devi) Distt. Hamirpur HP presently posted as TGT(Arts) at GMS Jhanikkar Distt. Hamirpur HP.
3.	Khushal Singh S/o Sh. Tula Ram R/o VPO Rohanda Tehsil Nihri Distt. Mandi HP presently posted as TGT(Medical) at GHS Borat HP
4.	Vinayak Jaswal S/o Sh. Joginder Singh, R/o VPO Simas Tehsil Lad-Bharol Distt. Mandi HP presently posted as TGT(Arts) at GSSS Bharadatt HP
5.	Avtar Singh S/o Sh. Surjit Singh R/o VPO Polian Beet Tehsil Haroli Distt. Una, HP presently posted as TGT (Arts) at GMS Jananji Distt. Una HP
6.	Radha Devi W/o Sh. Gopal Sharma R/o Village Khaddar PO Nakodapul Tehsil Chopal Distt. Shimla HP presently posted as TGT(Arts) at GSSS Khaddar Distt. Shimla HP
7.	Chattar Singh S/o Sh. Dile Ram R/o Village Kigas PO Panarsa Tehsil Aut Distt. Mandi HP presently posted as TGT(Arts) at GSSS Nau-Pnau Distt. Mandi HP
8.	Surender Kumar S/o Sh. Dineshwar Chauhan R/o VPO & Tehsil Nihri Distt. Mandi HP presently posted as TGT(NM) at GHs Badehan u/c GSSS Nihri Distt. Mandi HP
9.	Ambika Thakur D/o Sh. Bijender Singh Thakur R/o House No. 2473/9, Near Rani Tal Nahan Distt. Sirmour HP presently posted as TGT(Arts) at GBSSS Nahan Distt. Sirmour HP
10.	Rakesh Kumar S/o Sh. Hem Raj R/o VPO Rajban Tehsil Paonta Sahib Distt. Sirmour HP presently posted as TGT(Arts) at GHS Kunner Dhamoun HP
11.	Tara Devi D/o Sh. Saran Dass R/o Village Chakla-Deed PO Narag Tehsil Pachhad Distt. Sirmour HP presently posted as TGT(Arts) at GMS Chakla u/c GSSS Narag Distt. Sirmour HP
12.	Nisha Devi W/o Sh. Surinder Singh R/o Village Addu PO Danawali Tehsil Nankhari Distt. Shimla HP presently posted as TGT(Arts) at GGSSS Rampur Distt. Shimla HP
13.	Shiwani Thakur D/o Sh. Shanker Singh Thakur R/o Ward No-1 Nagar Panchayat Arki PO & Tehsil Solan Arki Distt. Solan HP presently posted as TGT(Med.) at GSSS Arki Distt. Solan HP

14.	Santosh Kumari W/o Sh. Rajinder Singh R/o VPO Houra Devi Tehsil Fatehpur Distt. Kangra HP presently posted as TGT(Arts) at GSSS Houra Devi Distt. Kangra HP
15.	Satish Kumar S/o Sh. Surat Ram R/o VPO Dhabas Tehsil Chopal Distt. Shimla HP presently posted as TGT(Arts) at GSSS Dhabas Distt. Shimla HP


Director Elementary Education
Himachal Pradesh

Endst No:Even Dated:- December, 2024
Copy forwarded for information and n/a to:-

1. The Secretary, (Education) to the Govt. of H.P. w.r.t. letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 & 04.12.2023.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. above referred CWP.
3. All the Dy. Director of Higher/Elementary Education Himachal Pradesh.
4. The concerned Principal/Headmaster/Incharge of the concerned GSSS/GHS/GMS where petitioner is presently working .
5. The concerned petitioner.
6. Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
04 DEC 2024
शिमला-1


Director Elementary Education
Himachal Pradesh

No:EDN-H(2)B(2)10575/2023—CC-PTA

Directorate of Elementary Education,

Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the December, 2024

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04 DEC-2024

शिमला-1

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Whereas, the services of those teachers who were appointed on contract basis as TGTs in the year of 2015 through direct recruitment and completed 03 years of continuous services on contract basis as on 31.03.2018 were regularized vide office order No. EDN-H(2)B(2)-34/2017-Regularisation (Contract) dated 14.06.2018.

Whereas, in compliance to the order of the Hon'ble High Court of H.P. passed in Yashwant Singh's case, the Government vide letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 & 04.12.2023 conveyed the approval to regularize the services of the petitioners in CWP No. 342/2021 titled as Yashwant Singh Vs State of H.P. and clubbed petitions (in this CWP and in Execution petition No. 86/2023) as well as other similarly situated petitioners in other CWPs w.e.f. 01.04.2018. Accordingly, the Department has regularized the services of the petitioners w.e.f. 01.04.2018 vide office order No.EDN-H(2)B(2)342/2021---CC-PTA dated 08.12.2023 and 11.12.2023.

Whereas, after thorough examination of the case of present petitioners, it is found that the petitioners were also initially engaged as TGT (Arts/NM/Medical) as per the PTA (GIA) Policy, 2006 during the year 2006, 2007 and 2008. Thereafter, the services of the petitioner were not taken over on contract basis as per Government notification dated 16.08.2013 in the year of 2015. The services of the petitioner was regularized with immediate effect vide this Directorate office order No. EDN-H(2)B(2)-36/2020-PTA regularisation dated 29.08.2020 & 01.09.2020 as per approval conveyed by the Government vide letter No. EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020.

In view of above facts and circumstances, the case of the petitioners is similarly situated to CWP No. 342/2021 titled as Yashwant

Singh & others Vs State of H.P. & others. Therefore, in compliance to the order of the Hon'ble High Court of H.P. passed in CWP No. 342/2021 dated 31.08.2022 and further approval conveyed by the Govt. vide letter dated 02-09-2023 & 04.12.2023, the following petitioners (TGTs) whose services were regularized vide office order No. EDN-H(2)B(2)-36/2020-PTA regularisation dated 29.08.2020 & 01.09.2020 are hereby considered deemed regularized w.e.f. 01.04.2018 with all consequential benefits. However, monetary benefits are restricted preceding three years from the date of filing of this petition:-

Sr. No.	Name & Address
1.	Monika Rana, D/o Sh. Shakti Chand Rana, R/o VPO Churdi Tehsil Bangana, District Una, HP presently posted as TGT(Arts) at GSSS Churdi Distt, Una HP
2.	Mohender Singh S/o Sh. Sohan Lal, R/o Village Kasha PO Kashapat Tehsil Rampur Bushehar Distt Shimla HP Presently posted as TGT(Arts) at GHs Bhadawali, Distt. Shimla HP
3.	Ravi Prakash Jishtu S/o Sh. Om Prakash Jishtu R/o Vill Gagai, PO & Tehsil Kumarsain Distt. Shimla HP presently posted as TGT(Arts) at GSSS Kumarsain Distt. Shimla HP
4.	Ved Prakash S/o Sh. Sant Ram R/o Village Dagrot PO Kotighat Tehsil Kumarsain via Matiana distt. Shimla presently posted as TGT(Arts) at GMS Jathia Devi u/c GSSS Totu Distt. Shimla HP
5.	Yachna Kumari S/o Sh. Krishan Kumar R/o Village Bella PO Bikram Bagh Tehsil Nahan Distt. Sirmour HP prsently posted as TGT(Arts) at GMS Nagal-Suketi u/c GSSS Moginand HP.
6.	Santosh Devi W/o Sh. Pardeep Kumar R/o VPO Bathri Tehsil Haroli Distt. Una HP presently posted as TGT (Arts) at GSSS Bathu HP
7.	Shama Rani W/o Sh. Nand Kishore R/o VPO singan Tehsil Haroli Distt. Una HP presenty posted as TGT(Arts) at GSSS Singan Distt. Una HP
8.	Raman Singh S/o Sh. Kashmir Singh R/o VPO Dhawali Tehsil Dharampur Distt. Mandi HP presently posted as TGT(Arts) at GMS Sherpur u/c GSSS Marhi Distt. Mandi HP
9.	Poonam Soni W/o Sh. Anshur Chauhan R/o Village Pujarli Tehsil Rohru Distt. Shimla HP presently posted as TGT(Medical) at GSSS Sarahan Bushehar Tehsil Rampur Distt. Shimla HP
10.	Vikram Singh S/o Sh. Roshan Singh R/o VPO Jangla Sub Tehsil Chirgaon Distt. Shimla HP presently posted as TGT(Arts) at GMSSS Jangla Distt. Shimla HP
11.	Jaipal Singh S/o Sh. Padam Sain R/o Village Jhali PO Jangli Tehsil Chirgaon Distt. Shimla HP presently working as TGT(Arts) at GSSS Jangla Distt. Shimla HP
12.	Mohar Singh S/o Sh. Khima Ram, R/o Village Chhaprahan PO Nandi Tehsil Chachiot Distt. Mandi HP presently posted as TGT(Arts) at GHS Piplagalu u/c GSSS Sianj Distt. Mandi HP

13.	Chaman Lal, S/o Sh. Bansu Ram R/o Village kuther PO Palwin Tehsil & Distt. Chamba HP presently posted as TGT(Arts) at GHS Kalota U/c GSSS Barour Tehsil& Distt. Chamba HP
14.	Brij Lal S/o Sh. Halia Ram R/o VPO Nandi Tehsil Chachiot Distt. Mandi HP presently posted as TGT(arts) at GSSS Shivabadhar Distt. Mandi HP
15.	Reena Devi Thakur w/o Sh. Manish Kumar R/o VPO Pukhri Tehsil& Distt. Chamba HP presently posted as TGT(NM)at GSSS Pukhri HP
16.	Kumari Achla W/o Sh. Neeraj Gupta R/o Muhlla PO Hardaspura Chamba Town Distt. Chamba HP presently posted as TGT(NM) at GMGSSS Chamba Distt. Chamba HP
17.	Deepika Handa W/o Sh. Umakant Anand r/o Mohalla Chowgan Bazar Distt. Chamba HP presently posted as TGT(Med.) at GHS Paccatala HP
18.	Ramesh Kumar S/o Sh. Bahadur Singh R/o Village Pokhani PO Koil Tehsil Nirmand Distt. Kullu HP presently posted as TGT(Arts) at GSSS Ladhagi Distt. Kullu HP
19.	Anju Devi W/o Sh. Rajnish Kumar R/o Village Mamail PO & Tehsil Karsog Distt. Mandi HP presently posted as TGT(Arts) at GSSS Lalag Tehsil Karsog Distt. Mandi HP
20.	Ravi Prakash Bhardwaj S/o Sh. Roshan Lal Bhardwaj R/o Village Hukkal PO Lohgni Tehsil Dharampur Distt. Mandi HP presently posted as TGT(NM) at GMs Gorat U/c GSSS Seoh Distt. Mandi HP
21.	Archna Devi W/o Sh. Anil Sen R/o Village Kandha-Kufri PO Pressi Tehsil Nihri Distt. Mandi HP presently posted as TGT(Med.) at GHS Kandhi-Tikker Distt. Mandi HP
22.	Kamlesh Kumar S/o Sh. Sobhia Ram R/o VPO Salwan Tehsil Salooni Distt. Chamba HP presently posted as TGT(Arts) at GMs Jangalwar HP
23.	Om Prakash S/o Sh. Inder Singh R/o Village & PO Korga Tehsil Kamrau Distt. Sirmour HP presently posted as TGT(Arts) at GSSS Korga Distt. Sirmour HP
24.	Vandana Devi W/o Sh. Vinod kumar R/o Village kithahin PO Syanji Tehsil Sundernagar Distt. Mandi HP presently posted as TGT(Med.) at GHs Doldhar HP
25.	Nirmala Devi W/o Sh. Netter Singh R/o Rast PO Ronhat Tehsil Shillai Distt. Sirmour HP presently posted as TGT(Arts) at GMs Rast u/c GSSS Nainidhar Distt. Sirmour HP
26.	Parkash Chand Chauhan S/o Sh. Baria Ram R/o VPO Balag Tehsil Nihri Distt. Mandi HP presently posted as TGT(Arts) at GSSS Balag Distt. Mandi HP
27.	Sarita Rani W/o Sh. Hardev Singh R/o VPO Lahru Tehsil Jawali Distt. Kangra HP presently posted as TGT(Med.) at GSSS Guglara Distt. Kangra HP
28.	Mamta Devi W/o Neter Singh R/o Village & PO Gushal Distt. L&S HP presently posted as TGT(Arts) at GHs Burwa (Manali) Distt. Kullu HP
29.	Promila Kumari D/o Virender Singh R/o Village Bandli PO Shillai Distt. Sirmour presently posted as TGT(NM) at GSSS Timbi Distt. Sirmour HP

The concerned Principal/Headmaster/Incharge of GSSS/GHS/GMS of H.P. is further directed that consequential benefits regarding

monetary benefits to the petitioner shall be released as per the Hon'ble Court orders in Ex. Pet. No. 86/2023 dated 13.09.2023 i.e. 40% of arrears payable according to pre-revised scale may be paid immediately and remaining 60% in two equal annual installments may be paid by 31.12.2024 and 31.12.2025 by calculating difference of pay of the petitioners on the basis of pre-revised scale for the period from 01.04.2018 till the earlier date of regularization by the State. It is further directed that arrear on the basis of revision of pay scale shall be paid, as per instructions issued by the Finance Department H.P. vide 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.

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Director Elementary Education
Himachal Pradesh

December, 2024

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

04 DEC 2024


शिमला-1

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1. The Secretary, (Education) to the Govt. of H.P. w.r.t. letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 & 04.12.2023.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. above referred CWP.
3. All the Dy. Director of Higher/Elementary Education Himachal Pradesh.
4. The concerned Principal/Headmaster/Incharge of the concerned GSSS/GHS/GMS where petitioner is presently working with the direction to release the arrear as per above instruction. Further, it may also be ensured that the petitioner is a PTA GIA provided teacher. In case the petitioner is not a PTA GIA provided teacher and was not fulfilling the requisite condition for taken over on contract basis as per Government notification dated 16.08.2013 than such cases may be referred back to this Directorate.
5. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
6. The concerned petitioner.
7. Guard file.


Director Elementary Education
Himachal Pradesh