

No. EDN-H(2)B(2)1746/2017-CC  
Directorate of Elementary Education,  
Himachal Pradesh, Lalpani, Shimla-171001

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

Dated: Shimla-171001, the November, 2024

In the matter of OA No. 1746/2017 titled as Arun Dutt Sharma & Ors Vs State of H.P. & ors decided on 01.09.2022.

**ORDER**

Whereas, OA No. 1746/2017 titled as Arun Dutt Sharma & Ors Vs State of H.P. & ors. was filed by the applicants in the erstwhile Hon'ble Administrative Tribunal of H.P. and after hearing the same has been disposed of by the Hon'ble Administrative Tribunal of H.P. on 27.06.2017 as under:-

*"8. In view of the above, the original application is disposed of in terms of the aforementioned judgment in CWP No. 1811 of 2008 and the concerned matters with the direction to the respondents/competent authority that subject to the above verification and on finding the applicants to be similarly situated as above, benefit of the said judgment, if the same has attained finality and implemented, shall also be extended to them alongwith consequential benefits, if any, as per law within three months from the date of production of certified copy of this order before the said authority by the applicants.*

*9. The original application stands disposed of in the above terms."*

Whereas, in CWP No. 1811/2008 titled as Dev Raj Vs State of H.P. & Others was decided by the Hon'ble High Court on dated 14-11-2011 The operative part of the order is as under:-

**"In view of the above discussion, all the writ petitions are allowed and the petitioners except the petitioners in CWP No. 7376 of 2010 shall be deemed to be regular employees of the State Government from the date of their appointment. As far as the petitioners in CWP No. 7376 of 2010 are concerned they shall be deemed to be regular teachers from the dates their colleagues were offered contractual appointment in the year 2009 and have now to be treated as regular employee. Their earlier appointment on contractual basis or as para teachers will not be counted towards seniority and their seniority shall be governed as per the merit list of the Subordinate Selection Board. The petitioners shall be entitled to all consequential benefits.**

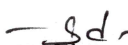
**The writ petition is allowed in the aforesaid terms and the respondent-State is directed to grant all financial benefits to the**

**petitioners latest by 31<sup>st</sup> March, 2012 failing which the State shall be liable to pay interest @ 9% per annum”.**

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. 1811/2008 titled as Dev Raj Vs State of H.P. & Others.

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

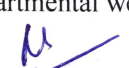
In view of the above, I am of the considered view that the case of applicants in the Original application is completely different from the case of petitioners in CWP No. 1811/2008 as the petitioners in the CWP 1811/2008 were recommended by HPSSSB Hamirpur in the year 2002 & 2012 on the basis of requisition of 2002, whereas the applicants in the present Original application 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. 1811/2008 titled as Dev Raj Vs State of H.P. & Others. So, the case of applicants is considered and rejected accordingly.

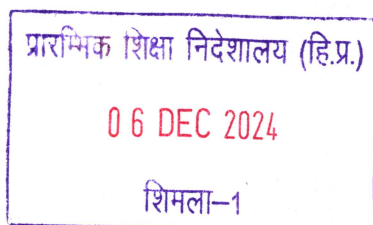
  
Director Elementary Education  
Himachal Pradesh, Shimla-I

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

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. CWP ibid.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
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.

  
Director Elementary Education  
Himachal Pradesh, Shimla-I



**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 be 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 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.	Kumari Manorma W/o Sh. Narinder Singh Chauhan R/o Village Chhallah PO Deothi Majhgaon, Tehsil Rajgarh, Distt. Sirmour HP presently posted as TGT(Arts) at GMSSS Sainj Tehsil Theog Distt. Shimla HP
2.	Ashok Kumar S/o Sh. Chhungal Mal, R/o VPO Kui Tehsil Rohru Distt. Shimla HP preesntly posted as TGT(Arts) at GMs Jakhar u/c GSSS Samoli Distt. Shimla HP
3.	Lokeshwari Devi W/o Sh. Rakesh Kumar R/o Village Dadoh PO Bassi Tehsil Chachiot Distt. Mandi HP presently posted as TGT(Arts) at GMS Masheran u/c GSSS Paurakothi Distt. Mandi HP
4.	Ajay Kumar S/o Sh. Amar Chand R/o VPO Nohra Dhar, Distt. Sirmour HP presently working as TGT(Medical) at GSSS Nodradhar Distt. Sirmour HP.
5.	Om Prakash Sharma S/o Sh. Sita Ram Sharma R/o Village Uchagarh (Kulag) PO Kulag Tehsil Kupvi Distt. Shimla HP presently working as TGT(Arts) at GSSS Naura Baura (SMR) HP
6.	Yashwant Singh S/o Sh. Jagat Ram R/o Village Sanarli PO Banthal Tehsil Karsog Distt. Mandi presently posted as TGT(Medical) at GHS Bhanera u/c GSSS Kao Distt. Mandi HP
7.	Alok Kumar S/o Sh. Thakur Sain R/o Village Gharshal PO Devidhar Sub-Tehsil Jangla Tehsil Chirgaon Distt. Shimla HP presently posted as TGT(arts) at GMS Manghara u/c GSSS Saribasa Distt. Shimla HP
8.	Kuldeep Singh S/o Sh. Gian Singh R/o Dugana PO Dugana Tehsil amrou Distt. Sirmour HP presently posted as TGT(Med) GSSS Kaffota Distt. Sirmour HP
9.	Shiksha Devi W/o Sh. Pawan Vijay r/o Vullage Bajetli PO Surad Tehsl Nankhari Distt. Shimla HP presently posted as TGT(Arts) at GGSSS Rampur Bushehar Distt. Shimla HP
10.	Shanta Kumari D/o Sh. Gauri Dass R/o Village Balwas PO Karyas Tehsil Pangi Distt. Chamba HP presently posted as TGT(Med.) at GNMS Dharamshala Distt. Kangra HP
11.	Chander Shekher S/o Sh. Dev Raj Mehta R/o Village Bharmol PO Shiwan Tehsil Kumarsain Distt. Shimla HP presently posted as TGT(NM) at GSSS Baragaon Distt. Shimla HP
12.	Rajneesh Kumari W/o Sh. Virensder Kumar R/o Village Tikkari PO Meramasit Tehsil Balh Distt. Mandi HP presently posted as TGT(arts) at GHs Burahta Distt. Mandi HP
13.	Indra Devi W/o Sh. Dinesh Kumar R/o Village Kamtha PO & Tehsil Nihri Distt. Mandi HP presently posted as TGT(Medical) at GHS Bhalan u/c GSSS Behli Distt. Mandi HP
14.	Anil Kumar S/o Sh. Roshan Lal R/o Tundroo PO Killar Tehsil Pangi Distt. Chamba HP TGT(Med.) at GSSS Chhamahan Distt. Kullu HP
15.	Rajni Kumari D/o Sh. Manak Chand R/o Village Jalwas PO Karyas Tehsil Pangi Distt. Chamba HP presently posted as TGT(Arts) at GHS Karyas Distt. Chamba HP

16.	Chandro Devi D/o Sh. Lakshami Chand R/o Village Kawas PO Killar Tehsil Pangi Distt. Chamba HP presently posted as TGT(Arts) at GHs Singi Distt. Chamba HP
17.	Kumari Kalpana Sharma D/o Sh. Prem Lal Sharma, R/o Village Karhoti PO Killar Tehsil Pangi Distt. Chamba HP presently posted as TGT(Med.) at GMSSS Saho Distt. Chamba HP
18.	Krishan Singh S/o Sh. Ram Lal R/o Village Segli PO Upper Behli Tehsil Sunder Nagar Distt. Mandi HP TGT (NM) at GSSS Kufri Distt. Mandi HP
19.	Indira Verma D/o Sh. Beli Ram Verma R/o Village Lower Bara PO & Tehsil Nihri Distt. Mandi HP presently posted as TGT(Med.) at GUSSS Nihri Distt. Mandi HP
20.	Deepak Kumar S/o Sh. Keshav Ram R/o Village Naloh PO Lagdhar Tehsil Kotli Distt. Mandi HP presently posted as TGT(Arts) at GHS Banerdhi Distt. Mandi HP
21.	Arun kumar S/o Sh. Paras Ram R/o Village Brangal PO Bhalei Tehsil Salooni Distt. Chamba HP presently posted as TGT(NM) at Ghs Kandi Distt. Chamba HP
22.	Usha Devi D/o Gauradhan Dass R/o Village Sikaseri PO Sarpara Tehsil Rampur Distt. Shimla HP presently posted as TGT(Arts) at GSSS Rachali Distt. Shimla HP
23.	Hari Om S/o Sh. Tara Chand R/o VPO Alsindhi Tehsil Karsog Distt. Mandi presently posted as TGT(Arts) at GHS Kharkan u/c GSSS Bhanthal Distt. Mandi HP
24.	Nika Ram S/o Sh. Dharam Dass R/o Village Bhanyas PO Balindi Tehsil Karsog Distt. Mandi HP presently posted as TGT(Med.) at GSSS Somakothi Distt. Mandi HP
25.	Susham Lata W/o Sh. Raj Kumar R/o Village Balh-Chalog PO Marottan Tehsil Jhandutta Distt. Bilaspur HP presently posted as TGT(Med.) at GSSS Marottan Distt. Bilaspur HP
26.	Lata Devi D/o Sh. Kishori Lal R/o Village Patahra PO Banogi Tehsil Sainj Distt. Kullu HP presently posted as TGT(Med.) at GSSS Deohari Distt. Kullu HP
27.	Dev Raj S/o Sh. Surat Ram, R/o Village Sees PO Thella Tehsil Bhunter Distt. Kullu HP presently posted as TGT(Med.) at GSSS Thella Distt. Kullu HP
28.	Rekha W/o Sh. Mahendra Chauhan R/o Village Ghaini PO Mahunag Tehsil Karsog Distt. Mandi HP presently posted as TGT(NM) at GMs Shakrori u/c GMSSS Sunni Distt. Shimla HP
29.	Anita Pathania D/o Sh. Munshi Ram Pathania R/o Moh Obri PO Sultanpur Tehsil & Distt. Chamba HP presently posted as TGT(NM) at GMS Sultanpur Distt. Chamba HP
30.	Lata Kumari W/o Lalit Kumar R/o Village Thanout PO Sehli Tehsil Kotli Distt. Mandi HP presently posted as TGT(Arts) at GSSS Gpkhra Distt. Mandi HP
31.	Man Singh S/o Sant Ram R/o Village Phindroo PO Sach Tehsil Pangi Distt Chamba HP presently posted as TGT(Arts) at GHS Phindroo Pangi Distt. Chamba 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.

  
Director Elementary Education  
Himachal Pradesh

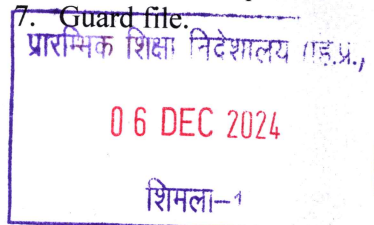
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Dated:-

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 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