

No:EDN-H(2)B(2)3435/2020-CC
Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.),

08 JAN 2025

शिमला-1

Dated Shimla-the 171001 the, January, 2025

ORDER

Whereas, in various CWPs the Hon'ble High Court of HP has ordered to consider and decide the representations made by the petitioners. After careful consideration of the representations the petitioners are seeking benefits in light of the judgement passed by the Hon'ble High Court of HP in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others and other connected matters.

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 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 verification of record it is found that the petitioners in present petitions were also selected through HPSSB Hamirpur in the year of 2002 and their name was recommended for the post of TGT(M/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 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 post, 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 details of the petitioners are as under:-

Sr. No.	Name, Designation & place of posting of Petitioner	Sub	Date of Appointment	CWPOA/CWP/Ex Pet No.
1	Anil Kumar s/o Sh. Amar Nath, aged about 47 years, presently working as Lectures in Physics at Government Senior Secondary School Nand (Solan), r/o V and PO, Gandhir, Teh. Jhandutta Distt, Bilaspur (HP)	NM	08.10.07	CWP No. 8096/2024
2	Mahesh Kumar s/o late Sh. Om Prakash, aged about 45 years, presently working as Lectures (SN) Physics at Government Senior Secondary School Shivpur (Sirmour) r/o H. No. 119/1, Gali No. 3, Near Anaj Mandi, Ward No. 5, Paonta Sahib Distt, Sirmour HP	NM	10.08.06	CWP No. 8096/2024
3	Mamta Sihole d/o Sh. Jagdish Chand, aged about 46 years, presently working as Lecturer English (SN) in Government Senior Secondary School Reru (Solan), r/o Vill, Berri Bhattan, PO, Bhukkar, Teh, Bhoranj, Distt, Hamirpur, HP	Med.	16.01.06	CWP No. 8096/2024

4	Manju Devi d/o Late Sh. Kishan Chand, w/o Sh. Anupam Kumar, aged about 48 years, presently working as a Principal in o/o Deputy Director of Education (Inspection Cadre) Hamirpur r/o H. No. 62, Ward No. 02, Upper Bazar Hamirpur, Distt, Hamirpur, HP	NM	10.08.06	CWP No. 8096/2024
5	Ravinder Kumar S/o late sh. Rania Ram Age 52 years Working As lect. Biology At GSSS Lambagoan (Kangra), r/o V and PO, Chhainchhary, Teh, Palampur, Distt, Kangra HP 176086	Med.	25.11.08	CWP No. 8096/2024
6	Pritam Chand s/o Sh. Paras Ram, aged about 56 years, presently working as TGT Medical at GSSS Nangran (Una), r/o Vill Pathliar, PO Pathliar, Teh Barsar, Distt Hamirpur, HP	Med.	15.06.07	CWP No. 8909/2024
7	Parveen Kumar S/o Sh. Hoshiar Chand, Village Mangsu, PO Thanedhar, Tehsil Kumarsain, Distt. Shimla, HP. 172030	Arts	21.02.12	CWP NO. 12464/2024
8	Rash Pal Singh son of Sh. Gulab Singh, resident of Village Pipli, Post Office Darwar, Tehsil Dharampur, District Mandi, Himachal Pradesh, presently working as Trained Graduate Teacher (Arts) at Government Middle School, Basin, U/C GSSS Lagru, District Kangra Himachal Pradesh,	Arts	21.02.12	CWP No. 11827/2024
10	Baldev Raj Son Of Late Sh. Bakshi Ram Sharma R/O Village Dakhyut, Po Dangar, Tehsil Ghumarwin, Distt. Bilaspur Hp Presently Working as Lecturer English At Govt. Girls School Ghumarwin, Distt. Bilaspur HP	Arts	21.02.12	CWP No. 5230/2022
11	Pawan Kumar S/O Sh. Amar Nath Village Chokhana, Po Dangar, Tehsil Ghumarwin, Distt. Bilaspur HP Pin 174023 Presently Working As Tgt Arts At Gsss Mundkhar, Tehsil Ghumarwin, Distt. Bilaspur HP	Arts	21.02.12	CWP No. 5230/2022
12	Meena Kumari d/o Sh. Pritam Singh, w/o Sh. Arun Kumar, aged about 47 years, presently working as Lecturer in Biology at GSSS Kashmaila (Mandi), r/o V and PO, Mundkhar Teh. Bhoranj Distt, Hamirpur (HP)	Med	16.01.06	CWP No. 8096/2024
13	Pooja D/o Sh. Baldev Singh, Village Mucchali, PO& Tehsil Bangana Una-174307	NM	24.08.09	CWP No. 8096/2024

14	Sanjay Kumar s/o late Sh. Narain Dass, aged about 47 years, presently working as Principal in Government Senior Secondary School Pangna (Mandi), r/o Vill, Bhundal, PO, Katwachi. Tehsil, Karsog, Distt, Mandi, HP	NM	24.08.09	CWP No. 8096/2024
15	Sanjeev Sharma S/o Rup Lal Sharma VPO Jahu, Sharma Pustak Bhandar Jahu, Hamirpur	NM	24.08.09	CWP No. 8096/2024
16	Sharda Devi, D/o Sh. Anant Ram Sharma, Village Deothi, PO Subathu(Solan), 173206	NM	24.08.09	CWP No. 2008/2020
17	Arun Kant Verma s/o Sh. Bidhi Singh, aged about 49 years, presently working as Senior Fisheries Officer, in office of Trout Farm Patlikulh Kullu, r/o Vill, Upper Makrena, PO and Tehsil, Jogindernagar, Distt, Mandi, HP	Med	03.06.2006	CWP No. 7109/2024

The concerned Principal/Headmaster/Incharge of the concerned 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.

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Director Elementary Education
Himachal Pradesh.

EndstNo:Even

Dated:-

January, 2025

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. CWPs 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.

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Director Elementary Education
Himachal Pradesh.

