

No. EDN-H(2)B(2)8096/2024-CC
Directorate of Elementary Education,
Himachal Pradesh, Lalpani, Shimla-171001

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

08 JAN 2025

Dated: Shimla-171001,

the January, 2025

ORDER

Whereas, in CWP No. 8096/2024 titled as Tarsem Singh & others Vs State of HP & Ors. was filed by petitioners in the Hon'ble High Court of HP for same relief as was given 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 careful examination of selection lists of 2002 & 2012 it is found that the petitioners in the present petition were not recommended by HPSSSB Hamirpur in the selection lists of 2002 & 2012 on the basis of requisition of 2002.

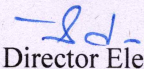
In view of the above, I am of the considered view that the case of petitioners in the present petition is completely different from the case of petitioners in CWP No. 3435/2020 titled as Satish Kumar & Ors Vs State of HP & ors as the petitioners in the CWP 3435/2020 were recommended by HPSSSB Hamirpur in the year 2002 & 2012 on the basis of requisition of 2002, whereas the petitioners in the present petition 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. 3435/2020 titled as Satish Kumar & Ors Vs State of HP & ors. So, the case of petitioners is considered and rejected accordingly. The details of petitioners is as under:-

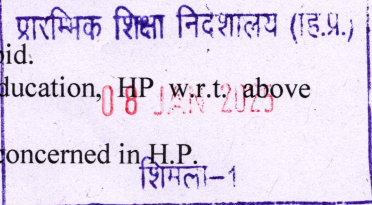
Sr. No.	Name, Designation & place of posting of Petitioner	CWPOA/CWP/Ex Pet No.
1.	Tarsem Singh s/o Sh. Jat Ram Aged presently working as Lecturer History at SASC GSSS Bhatechh (Kangra), r/o Vill, Basnoor, Teh, Shahpur, Distt, Kangra, HP	CWP No. 8096/2024
2.	Bishan Lal S/O Sh Prem Chand aged about 46 years, presently working as TGT Arts at GHS Bhamsoi u/c GSSS Nagwain Distt Mandi, r/o Vill Lingar PO Shansha Tehsil Keylong Distt Lahoul spiti HP	CWP No. 8096/2024
3.	Surendra Mohan Sharma S/O Sh. Krishan Dutt Sharma 48 years Presently working as Lect in Chemistry at GSSS Arhal r/o Village Chanderpur PO Hatkoti Teh Jubbal Dist Shimla HP	CWP No. 8096/2024
4.	Surjit Singh s/o Sh. Amar Singh, aged about 57 years, presently working as Lecturer Economics at GSSS Kalia-ra (Kangra), r/o Vill Makroti, PO, Ladwara, Teh, Shahpur, Distt, Kangra, HP	CWP No. 8096/2024

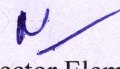
Endst. No. Even Dated: Shimla-01, the

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/OA.
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
January, 2025




Director Elementary Education
Himachal Pradesh, Shimla-I