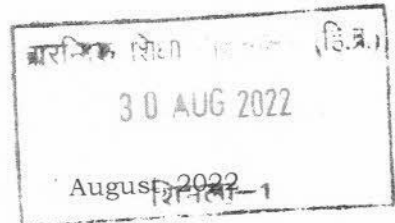


No: EDN-H(2)B(2)35/2021-Para Teacher
Directorate of Elementary Education
Himachal Pradesh, Lalpani, Shimla-1
Dated: Shimla-171001 the,



In the matter of O.A. No. 4489/2018-Harnam Singh Banshtu Vs State of H.P. & Ors Decided on 01.08.2018

ORDER

Whereas, contract appointments were made in the Education department as per Government policy 23-08-1994 later on their services were regularized after 08 years of continuous service as per Government approval. But some of contractual employees were retrenched due to joining of regular hand hence junior contractual employees were regularized in the department earlier and senior later as "last come first go" Principle was not followed while terminating their contract service. Such retrenches either were re-engaged in the department on contract basis or they were given preference order Para Teacher policy notified by the Government in the year 2003 and they were hired under Para Teacher policy and regularized after completion of 10 year of continuous service in the year 2014 and 2015. They have filed OA No. 4489 of 2018 titled as Harnam Singh Banshtu Vs State of Himachal Pradesh and others before the Hon'ble Himachal Pradesh Administrative Tribunal to seek benefit of CWP(T) No. 5253 of 2008 and LPA No. 146 of 2010 and same was disposed of on 01.08.2018 with the following orders:-

5. *The learned counsel for the applicants submits at the very outset that the respective cases of the applicants are squarely cover under judgment dated 21.04.2010, Annexure A-4, rendered by the Hon'ble High Court of Himachal Pradesh in CWP(T) No. 5253 of 2008, Narain Singh Versus State of Himachal Pradesh and others, as upheld vide common judgment dated 01-09-2015, Annexure A-5, in LPA No. 146 of 2010, State of Himachal Pradesh and others versus Narain Singh and the connected matters.*

6. *The learned Additional Advocate General states that subject to verification of record, if it is found that the applicants are similarly situate as the petitioner/beneficiaries in the aforesaid Writ Petition/LPA, their cases shall be considered accordingly.*

7. *In view of the above, the original application is disposed of in terms of the aforementioned judgments with a direction to the respondents/competent authority that subject to the above verification and on finding the applicants to be similarly situate as above, benefit of the said judgments, if the same have attained finality/implemented, shall also be extended to them along with 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.*

8. *The original application stand disposed of as the above terms.*

And whereas, the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP(T) No. 5253 of 2008 dated 21-04-2010 is as under:-

"Accordingly, in view of the observations, made hereinabove, the petition is allowed. The termination of the petitioner dated 22-05-2000 is declared illegal being violative of the principal of "last come first go". Respondents are directed to consider the case of petitioner for regularization as lecturer (School cadre) by taking into consideration his initial engagement w.e.f 23-09-1998. The period of break in service between 22.05.2000 to 22.09.2001 is condoned. The period shall be counted for all intents and purposes, including seniority. Needful be done within a period of eight weeks from today. No costs."

- 2 -

And whereas, CWP(T) No. 5253 of 2008 titled as Narain Singh versus State of HP was agitated by filing LPA No. 146/2010 before the Hon'ble High Court of HP which was disposed of on 01-09-2015 with other LPAs, operative part is as under:-

"Keeping in view the statement made by the arguing counsel appearing on behalf of the writ petitioners-respondent herein, we deem it proper to modify the impugned judgments with a direction to the respondents to regularize the services of the writ petitioner respondents herein from the date(s) their junior(s) came to be regularized with all consequential benefits. Consideration order(s) be passed within six weeks."

And whereas, the judgment passed by the Hon'ble High Court in LPA No. 146 of 2010 was further challenged by state in SLP No. 43319 of 2018 before the Hon'ble Apex Court of India which was dismissed on 14.12.2018. Thereafter the matter had been taken up with the Government the Government has conveyed the approval to implement the judgment vide letter No. EDN-B-E(5)-17/2018 dated 21.01.2021.

And whereas the Department had considered five retrenched TGTs as regular TGT on notional basis from the date when their junior contractual TGTs were regularized vide office order No. EDN-H(2)B(2)-4489/2018-O.A. dated 16.06.2020 in pursuance to the Government letter No. EDN-C-B(15)4/2011-Vol-II dated 01.02.2020. Now, representations/writ petitions have been received from other retrenched TGTs as well as from five regularized retrenched TGTs alongwith a copy of order passed by the Director Higher Education H.P. vide officer Order No. EDN-HE(19)B(1)-8/2012-Contract-Regl. Dated 01.03.2021 in pursuance to the Government letter No. EDN-B-E(5)-17/2018 dated 21.01.2021 and **the Director Higher Education H.P. allowed regularization in service to those retrenches lecturer's with all consequential benefits from the date when their junior in contract was regularized by considering the initial contract engagement in relevant subject. The Principal's of the concerned schools has also been directed to release the pay arrear as per Finance Department instructions No. Fin-E-1-C(17)-6/08 dated 07.01.2012. The ACP's and Seniority cases may also send to this Directorate within a week.**

Whereas, the matter was taken up with the Government vide letter No. EDN-H(2)B(2)35/2021-Para Teacher dated 29.11.2021 and the Government vide letter No. EDN-C-B(15)14/2020 dated 11.01.2022 has conveyed the approval of Finance (Regulation) Department H.P.

Now therefore, in view of the facts and circumstances of the case and as per order passed by the Hon'ble High Court in LPA No. 146 of 2010 and further approval conveyed by the Government vide letter No. EDN-C-B(15)4/2011-Vol-II dated 01.02.2020 and letter No. EDN-C-B(15)14/2020 dated 11.01.2022, the regularization in service to all retrenched contractual (TGTs) (petitioner and non-petitioner) **are hereby allowed with all consequential benefits from the date when their junior in contract was regularized as shown below in column 6 by considering the initial contract engagement in relevant subject.**

Sr. No.	Name of Teacher/Designation	Date of initial contract appointment	Date of termination	Date of regularization allowed	Regularization allowed at par with the junior contractual regularized
1	Vandana Sharma, TGT (M)	14-11-1997	24-08-1998	20-12-2014	01-01-2006
2	Nisha Devi, TGT (A)	01-07-1997	07-12-1999	23-12-2014	01-01-2006
3	Ashok Kumar, TGT (A)	23-07-1997	14-05-1998	20-12-2008	01-01-2006

4	Archana Sharma, TGT (A)	26-11-1996	29-07-1999	23-12-2014	01-01-2005
5	Poonam Gupta, TGT (NM)	19-08-1998	11-03-1999	20-12-2014	20-12-2008
6	Parmila Devi, TGT (A)	19-08-1998	31-12-1998	20-12-2014	20-12-1998
7	Promila, TGT (A)	28-08-1998	28-02-1999	20-12-2014	20-12-2008
8	Jyoti Sood, TGT (M)	09-04-1997	20-02-1998	20-12-2014	01-01-2006
9	Seema Sharma, TGT (M)	04-01-1997	01-03-1997	26-12-2014	01-01-2006
10	Surender Singh, TGT (M)	03-07-1998	07-07-1999	Regular appointment on 07-06-2007	20-12-2008
11	Som Nath, TGT (A)	06-10-1997	05-04-1999	20-12-2014	01-01-2006

The Principal's of the concerned schools are directed to release the pay arrear as per Finance Department instructions No. Fin-E-1-C(17)-6/08 dated 07.01.2012 (Copy enclosed) The ACP's and Seniority cases may also sent to this Directorate within a week. May inform the parties accordingly.

Director of Elementary Education
Himachal Pradesh, Shimla-1
Dated:

Endst. No. Even Dated: Shimla- 171001 the
Copy forwarded for information and necessary action to:-

1. The District Attorney (Education) Directorate of Elementary Education, Himachal Pradesh.
2. The Deputy Director of Elementary Education, Solan, Shimla, Hamirpur, Bilaspur, Una, Kullu, Kangra, Mandi, H.P.
3. Principal/ Headmaster Govt. Sr. Sec. School /Govt. High School.
4. DA dealing with TGTs Seniority/Pay fixation/ACPs to do the needful as per order of Hon'ble HHC/ HPAT.
5. Sh. Vandana Sharma, TGT (M) Govt. Sr. Sec. School Pratha, Distt. Solan (HP).
6. Sh. Nisha Devi, TGT (A) Govt. Sr. Sec. School Mehli, Distt. Shimla (HP).
7. Sh. Ashok Kumar, TGT (A) Govt. High School Barara, Distt. Shimla, (HP).
8. Smt. Archana Sharma TGT (A) GMS Nagrota Gazia u/c GSSS Badahni, Distt. Hamirpur, (HP)
9. Smt. Poonam Gupta TGT (NM) GMS Basal u/c GSSS Guggaghat, Distt. Solan, (HP)
10. Smt. Parmila Devi TGT (A) Govt. Sr. Sec. School Kuthera, Distt. Bilaspur, (HP)
11. Smt. Promila (Retd.)TGT (A) Govt. Sr. Sec. School Rora, Distt. Una, (HP)
12. Smt. Jyoti Sood, TGT (M), GSSS Bagan, Distt. Kullu (HP).
13. Smt. Seema Sharma TGT (M) Govt. Sr. Sec. School Dagla, Distt. Kangra, (HP)
14. Sh. Surender Singh S/o Sh. Narpat Singh r/o House No. 542, Phase-3 New Nalagarh Colony, P.O. Rajpura, Tehsil Nalagarh, Distt. Solan, (HP).
15. Sh. Som Nath, Presently working as Lecturer Geography in Govt. Sr. Sec. School Dhawal, Distt. Mandi, (HP).
16. Guard File.



Director of Elementary Education
Himachal Pradesh, Shimla-1

3452
14/01/22

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19-01-22

No. EDN-C-B (15)14/2020
Government of Himachal Pradesh
Elementary Education Department
From
Pr. Secretary (Education) to the
Government of Himachal Pradesh
To
The Director, Elementary Education
Himachal Pradesh, Shimla-171001

Dated: Shimla-2, the

11th January, 2022

Subject : Regarding O.A. No. 4489/2018 titled as Harnam Singh Banshtu Vs State of H.P.
& Ors.

Sir,

I am directed to refer to your letter No. EDN-H(2)B (2)35/2021-Para Teacher, dated 29th Nov, 2021, on the subject cited above and to say that the matter was taken up with the Finance (Regulation) Department who have observed as under:-

Examined. In view of huge financial implications, Department is advised to pay the arrears in three installments as per F.D's instructions contained in letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012. (copy enclosed)

You are, therefore, requested to take further necessary action in the matter accordingly under intimation to this Department.

Yours faithfully.

Lalit

(Lalit Vikram)
Under Secretary (Ele.Edu.) to the
Government of Himachal Pradesh

SF-II

No.Fin-E-1-C(17)-G/08
Govt. of Himachal Pradesh
Department of Finance

From

The Pr. Secy. (Fin.) to the
Govt. of Himachal Pradesh.

To

1. The All Administrative Secretaries to the
Govt. of Himachal Pradesh.
2. All the Head of Departments in
Himachal Pradesh.

Dated Shimla-171002. 7th Jan. 2012.

Subject: Payment of arrears on account of Hon'ble Court
Orders.

Sir,

I am directed to refer to the subject cited above and to say, that several cases are being received in Finance Department relating to payment of arrears on account of Hon'ble Court orders. The financial implication of implementation of these Court Orders is quite huge creating extra burden on the State Exchequer. It has therefore been decided by the Govt. to stagger the burden of payment of arrears on account of Hon'ble Court Orders in the following manner:--

a)	Arrear up to ₹ 50,000/-	Immediate release in one installment.
b)	Arrear up to ₹ 1 lac	In 3 equal annual installments.
c)	Arrear more than ₹ 1 lac	In 5 equal annual installments.

However, the above provision would not apply in cases where there are specific directions of Hon'ble Court to release the arrears within a defined time frame.

This mode of payment may please be adhered to
strictly.

Yours faithfully,



Spl. Secy. (Fin. Exp.) to the
Govt. of Himachal Pradesh.