

No. EDN-H(2)B(2)286/2023-Ex-Petition
Directorate of Elementary Education,
Himachal Pradesh,
Dated : Shimla-171001



To,

✓ All the Dy. Director of Elementary Education,
Himachal Pradesh.

Subject:-

Regarding implementation of Hon'ble High Court's judgments passed in favour of various petitioner Para Teachers on the analogy of order/judgment passed by the High Court in CWP No. 4954/2012 titled as madan Lal and Others Vs State of H.P. and Others and CWPOA No. 7661/2019 titled as Pushap Raj Khimta & Ors Vs State of H.P.

Sir,

On the subject cited above. It is to inform you that various court cases were filed by the Para Teachers for revision of pay scale in the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. had decided the matter in a common judgment delivered in CWP No. 4954 of 2012, titled as Madan lal and others Vs. State of H.P. and others and other connected matters, dated 07.11.2012 with the following directions:-

"In these cases, the petitioners have sought for the benefit of the decision of this Court in Nek Ram and others versus State of Himachal Pradesh and others in the matter of merger of 50% D.A. in some of the cases they have also sought for revision of the pay scale. Once the Para Teachers are brought at par with contract teachers w.e.f. 1.04.2007, all the benefits extended to the contract teachers should be available to the Para Teachers w.e.f. 01.04.2007 in the case of merger of D.A. or in the case of revision of pay scale.

Therefore, these writ petitions are disposed of with a direction to the Director Higher Educaiton to issue appropriate instructions, if not already issued within a month from today, to see that the Para Teachers are paid same emoluments as are given to the contract teachers in the respective categories w.e.f. 01.04.2007. In any of these cases, the Para teachers have not been paid the vacation salary, the eligible vacation salary shall be paid to them within a period of three months from the date of production of a copy of this judgment by the petitioner concerned before the competent authority."

In compliance to the order of the Hon'ble High Court, the Department of Higher Education H.P. vide letter No. EDN-H(19)B(1)-4/2012-Para Salary dated 07.3.2013 and Department of Elementary Education H.P. vide letter No. EDN-H(III)B(2)CWP No. 49541/2012-(Para) Salary dated 26.07.2014 had issued instructions to all the Dy. DHE/DEEs to release the salary to Para Teachers at par with contract teachers w.e.f. 01.04.2007 to 31.03.2010 alongwith vacation salary.

Now these petitioners have filed various execution petitions in the Hon'ble High Court of H.P. for grant of minimum of revised pay scale of Rs. 10300+3600 w.e.f. 01.04.2007 to 31.03.2010



and the Hon'ble High Court of H.P. in one of the execution petition No. 286 of 2022 has passed the following orders on dated 04.08.2023:-

Order for execution whereof present petition has been filed, has been directing the respondents to extend the benefit to petitioners in terms of judgment rendered by this Court in CWP No. 4954 of 2012, titled as Madan Lal and others Vs. State of H.P. and others, decided on 07.09.2012. In Madan Lal's case vide judgment dated 07.09.2012, financial benefits were directed to be extended w.e.f. 01.04.2007, whereas in present case, the benefits have been extended from 01.04.2010.

Respondent have no authority to modify the judgment/direction passed by the High Court. Despite that, by releasing the monetary benefits from 01.04.210 instead of 01.04.2007, an affidavit was filed stating that order passed by the Court has been complied with, which was factually incorrect.

Mr. Ghanshyam Chand, Director Elementary Education, Himachal Pradesh, is present in person. On his request, matter is adjourned by two weeks, enabling the respondents to rectify the mistake.

List for compliance report on 21.08.2023."


A similar matter of para teacher in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was decided by the Hon'ble High Court of H.P. on dated 29.06.2022. and the said judgment stand implemented by the Department vide office order No. EDN-H(2)B(2)7661/2022-CC dated 20.04.2023 and the petitioners (Para TGTs & Para C&Vs) have been granted the benefit of minimum of the revised pay scale of Rs. 10300-34800/- with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 subject to the final outcome of the LPA filed in the Hon'ble High Court of H.P. vide e-filing No. EC-HPHC01-00637-2022 dated 06.02.2023 with the condition that **in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.**

The matter of grant of benefit of revised pay scale to the petitioners whose case have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was taken up with the Government and the Government vide letter No. EDN-C-B(15)-14/2020 dated 20.08.2023 has directed **to implement the judgement/order in favour of the petitioner Para Teachers, in personam, on the analogy of Madan Lal case and Pushap Raj Khimta cases, as the case may be subject to final outcome of further legal remedy, if any being exercised by the State.** Therefore, in view of government instructions, since the judgment passed in CWPOA No. 7661 of 2019, titled as Pushap Raj Khimta Vs State of H.P. & ors has been implemented by the Department subject to the final outcome of the LPA filed in the Hon'ble High Court of H.P. against the order passed in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others dated 29.06.2022, therefore, the petitioners



whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others (Para TGTs & Para C&Vs) are hereby granted the benefit of minimum of the revised pay scale of Rs. 10300-34800/- with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 in personam subject to the final outcome of the LPA with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.

In view of above, you are hereby directed to issue necessary directions to all the concerned Principal/Heamaster of GSSS/GHS/GMS of H.P. to release the arrear to all the petitioners immediately subject to final outcome of LPA with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them. The arrear shall only be released in favour of the petitioners after proper verification whether they are petitioners or not. Non petitioners will not be issued any revised pay scale w.e.f. 01.04.2007 to 31.03.2010.


Director Elementary Education,
Himachal Pradesh, Shimla-I
August, 2023

Endst. No. Even dated: Shimla-1, the

Copy to: -

1. The Secretary (Education) to the Government of H.P. shimla-02 w.r.t. letter No. EDN-C-B(15)-14/2020 dated 20.08.2023.
2. The Special Secretary (Education) to the Government of H.P. Shimla-02
3. The District Attorney, (Internal) w.r.t. Execution ibid.
4. Guard file.


Director Elementary Education,
Himachal Pradesh, Shimla-I