

01 OCT 2024

शिमला-1.

No:EDN-H(2)B(2)10575/2023---CC-PTA

Directorate of Elementary Education,

Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the September, 2024

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 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 he 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 petitioner it is found that the petitioner was 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 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 petitioner is similarly situated to Yashwant Singh's case, 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 petitioner (TGT) 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:-


Sr. No.	Name and address of the petitioner (Sh./Smt./Miss/Kumari)	CWP No./CWPOA No.Ex. Pet. No.
1	Inder Singh Chauhan, S/o Late Sh. Daulat Ram, R/o Village Kinu, PO Panog, Tehsil Shillai, District Sirmour, H.P, aged about 42 years presently posted as TGT(Arts) at GSSS Panog, Distt. Sirmour, HP	CWP No. 10575/2023

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 and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022.


Director Elementary Education
Himachal Pradesh

Endst No:Even Dated:- September, 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 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

