

No:EDN-H(2)B(2)9552/2023--CC-PTA  
Directorate of Elementary Education,  
Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the, October, 2024

**ORDER**

Whereas, CWP No. 9552/2023 titled as Kusum Lata 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 28.03.2024 has ordered as under:-

*"4. Prayer being innocuous is not opposed. Accordingly, the instant petition is disposed of with direction to respondent No.2 to consider and decide the case of the petitioner within eight weeks from today strictly in terms of the judgment passed by the Division Bench of this Court on 31st August, 2022, in CWP No. 342 of 2021, titled as Yashwant Singh & Ors. vs. State of H.P. & Ors., by passing a detailed and reasoned order. Needless to say that in case the petitioner is found entitled to the benefits of aforesaid judgment, he shall be granted all similar benefits as have been granted to the beneficiary(ies) of judgment passed in CWP No.342 of 2021 within six weeks thereafter. Pending applications, if any, also stand disposed of"*

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 cases of present petitioners it is found that the petitioner was also initially engaged as TGT (NM) as per the PTA (GIA) Policy, 2006 during the year 2006. Thereafter, the services of the petitioner was taken over on contract basis as per Government notification dated 16.08.2013 in the year of 2015 on 15.01.2015. 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 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 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 is hereby considered deemed regularized w.e.f. 01.04.2018 with all consequential benefits:-

Name and address of the petitioner (Smt.)	CWP No.
Kusum Lata D/o Late Shri Jai Ram Singh Thakur, resident of Village Chamwal, P.O. Sujaila, Tehsil Arki, Dist. Solan, H.P., Presently working as Trained Graduate Teacher (NM) in Govt. Middle School Pipli Dhar U/c Govt. Senior Secondary School Halog (Dhami), District Shimla, H.P.	CWP No. 9552/2023

The concerned Principal/ Headmaster/I ncharge of GSSS/GHS/GMS of H.P. is further directed that consequential benefits regarding monetary benefits to the petitioners 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. The 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 & 31.07.2024 and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022.

- Sd/-  
Director Elementary Education,  
Himachal Pradesh.  
October, 2024

EndstNo:Even Dated:-

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 CWPs.
3. All the concerned 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. In Charge, IT cell(Internal), Directorate of Elementary Education HP with the direction to upload in the Departmental website.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioner.
8. Guard file.

N  
Director Elementary Education,  
Himachal Pradesh.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)  
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