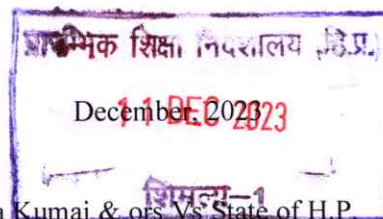


No:EDN-H(2)B(2)342/2021---CC-PTA
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01.
Dated Shimla-171001 the



ORDER

Whereas, CWP No. 8841/2022 titled as Pratibha Kumari & ors Vs State of H.P.

& Ors, CWP No. 7182/2023 titled as Neeraj Kant & ors Vs State of H.P. & ors, CWP No. 2541/2023 titled as Sudesh Kumari & ors Vs State of H.P. & ors CWP No. 6455/2023 titled as Manoj Kumar & ors Vs State of H.P. ors, CWP No. 6806/2022 titled as Jai Parkash & ors Vs State of H.P. & ors, CWP No. 1608/2022 and CWP No. 7747/2023 titled as Lalit Kumar & Ors Vs State of H.P. & ors were filed by the petitioners in the Hon'ble High Court of H.P. for similar relief as is given in the Yashwant Singh's case and in these writ petitions the Hon'ble High Court of H.P. has ordered to consider and decide the cases of the petitioner in the light of judgment passed in Yashwant Singh's case.

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, after thorough examination of the cases it is found that the petitioners were initially engaged as TGT (Arts/NM/Medical) as per the PTA (GIA) Policy, 2006 during the year 2006, 2007 and 2008. Thereafter, the Government of H.P. took a concise decision to take over the services of PTA GIA provided teachers on contract basis vide notification dated 16.08.2013, However, the decision of Government to convert PTA GIA teachers on contract basis was challenged by Sh. Pankaj Kumar by way of filing CWP No.6916 of 2011-H in the Hon'ble High Court of H.P. which was decided on 09.12.2014 in favour of PTA-GIA contract teachers and accordingly, the services of PTA GIA provided TGTs were taken over on contract basis in the year of January, 2015. In the meantime, the decision of Hon'ble High Court of H.P. dated 09.12.2014 was further agitated by Sh. Pankaj Kumar before the Hon'ble Apex Court of India by way of filing SLP No. 1426/2015 & connected matters and Hon'ble Apex Court ordered on dated 22.01.2015 that "Status quo be maintained till further orders to the contrary". Similarly, the orders dated 09.12.2014 in CWP No. 7728/2013 were also challenged by Kushal Kumari and another wherein the Hon'ble Supreme Court had passed interim order on 09.03.2015 that status quo be maintained till orders to the contrary. The SLP No.s 6644/2015, 6090/2015 and 7709/2015 were converted into Civil Appeals bearing CA No. 2813/2017, 2814/2017 and 2815/2017 and same were dismissed by the Hon'ble Supreme Court of India on dated 17.04.2020.

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Whereas, after dismissal of SLPs, the Government conveyed the approval to regularize the services of PTA GIA provided teachers taken over on contract basis as well as left out PTA GIA teacher whose services could not be taken over on contract basis due to various reasons with immediate effect vide letter No. EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020. After the Govt. approval, the Bio-Data of PTA-GIA contract teachers as well as left out PTA GIA Teachers was collected and after observing all codal formalities regularization orders were issued vide office order No. EDN-H(2)B(2)-36/2020-PTA regularisation dated 29.08.2020 & subject to final outcome of the CWP No. 2850/2020. The services of the PTA GIA provided teachers whose services were taken over on contract basis by the Department in the year of 2015 could not be regularized after completion of three years continuous services on contract basis in the year of 2018 as the appointment of PTA GIA provided teachers were still pending adjudication in Hon'ble Apex Court 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, feeling aggrieved, the PTA GIA teachers filed various petitions in the Hon'ble High Court to regularize their services w.e.f. 01.04.2018 at par with the teachers who were appointed in the department through direct recruitment and completed 3 years contractual service as on 31.03.2018 and the Hon'ble High Court has allowed the same vide its judgment dated 31.08.2022 passed in CWP No. 342/2021 (and clubbed matters).

Whereas, the matter was taken up with the government and the Government vide letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 & 04.12.2023 has conveyed the approval to regularize the services of the petitioners in CWP No. 342/201 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 (TGTs) in CWP No. 342/2021 and clubbed petitions and other similarly situated petitioners vide office order No.EDN-H(2)B(2)342/2021---CC-PTA dated 08.12.2023.

In view of above facts and circumstances , the cases of the petitioners are 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 petitioners (TGTs) 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	CWP No./CWPOA No.
1	Santosh Kumar (T.G.T. Medical), S/o Sh Bhag Singh, aged 41 years, R/o V.P.O. Cholangarh, Tehsil Sandhol District Mandi, H.P. Presently posted	CWP No. 1608/2022

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	at Govt. Model Sr.Sec. School Sandhol.	
2	Usha Kumari (T.G.T.), W/o Sh. Ashok Kumar, Aged about 40 years, R/O Vill. Jhirian, P.O. Lakhnoo, Teh. Sri Naina Devi ji, Distt. Bilaspur H.P. Presently posted at Govt. High School Jhirian U/c G.S.S.S. Toba, Bialspur, H.P.	CWP No. 1608/2022
3	Geeta Sharma w/o Sh. Pradeep Kumar Sharma, R/o Near Old Post Office Pulwala Bazar, Teh. and Distt. Una (HP) aged about 43, presently working as TGT (Arts) at Govt. Sr. Sec. School Una (HP).	CWP No. 2541/2023
4	Manohar Lal S/o Sh. Chuhru Ram, R/o Village and P.O. Santokhgarh, Tehsil and Distt. Una (HP) aged about 44, presently working as TGT (Arts) at Govt. Sr. Sec. School (Boys) Santokhgarh, Teh. and Distt. Una	CWP No. 2541/2023
5	Punam w/o Sh. Rajeev Kumar R/o Village Raika PO Dochi, Teh Jubbal Distt. Shimla (HP) aged about 42 presently working as TGT (Arts) at GHS Gharech U/C GSSS Kufri Mashobra Distt. Shimla	CWP No. 2541/2023
6	Sweety Verma W/o Sh. Mahender Verma R/o VPO Galani Teh. Kumarsain Distt. Shimla (HP) aged about 42 presently working as TGT (Arts) at GMS Riwali Under Complex GSSS Shamathla, HP.	CWP No. 2541/2023
7	Khep Ram S/o Sh. Chet Singh R/o Village Reta, P.O. Jhulara, Tehsil and District Chamba, H.P., presently working as TGT (Arts) in GSSS Kuther, District Chamba, H.P. aged about 40 years	CWP No. 8814/2022
8	Sneh Lata W/o Sh. Pritam Singh, R/o Village Chhadding, P.O. Rup, Tehsil Nichar, District Kinnaur, H.P., presently posted as TGT (Med) at GSSS Jeori. aged about 48 years	CWP No. 8814/2022
9	Ram Kumar S/o Sh. Sunder Singh, R/o VPO Chhitkul, Tehsil Sangla, District Kinnaur, H.P.- 172106, presently posted as TGT (Arts) in GSSS Chhitkul, District Kinnaur, H.P aged about 48 years.	CWP No. 8814/2022
10	Neha Pathania, W/o Sh. Bhupinder Singh, R/o Village Bhaglahar, P.O. Jhounka Ratial, Tehsil Jawali, District Kangra, H.P.-176023, presently posted as TGT (Medical) in GHS Tahlian, Tehsil Jawali, District Kangra, H.P.-176023 aged about 45 years.	CWP No. 8814/2022
11	Man singh s/o sh. Gurdev sharma vill. Thandal po purthi teh pangi distt chamba presently working as TGT (Arts) at GHS Archhandi u/c GSSS Nathan-1 distt kullu aged about 42 years	CWP No. 8814/2022
12	Aruna kumara w/o sh Kishori lal vill.Chamada po Khamadi teh Nankhari distt shimla presently working as TGT (Arts) in GSSS khamadi distt.shimla aged about 38 years	CWP No. 8814/2022
13	Dev singh s/o sh.Hari dass r/o vill yangpa-2 po huri teh nichar distt kinnaur presently working as TGT NM in GMS yangpa -2 u/c GSSS katgaon Distt.Kinnaur aged about 45 years	CWP No. 8814/2022
14	Kumari Manju W/o Sh. Lokesh Punj, R/o V.P.O. and Tehsil Chirgaon, District Shimla, H.P.-171208, presently posted as TGT (Arts) in GHS Andhra, District Shimla, H.P. aged about 42 years	CWP No. 8814/2022
15	Neeta kumari w/o sh Ravi kumar vpo Dadhol teh Ghumarwin distt.Bilaspur presently working as TGT (Arts) in GMS Jandu u/c GSSS Diggall distt. Solan aged about 49 years	CWP No. 8814/2022
16	Kumari Pawana D/o Sh. Amar Singh, R/o Village Barog, PO Patlander, Tehsil Sujanpur, District Hamirpur, H.P.-176111, presently working as TGT (Arts) in GSSS Rangar, District Hamirpur, H.P.aged about 40 years	CWP No. 8814/2022
17	Babli devi d/o sh khem singh r/o ward no 4 mathh sultanpur kullu po dhalpur distt kullu presently working as TGT (Arts) in GMSSS Katrain distt kullu. aged about 42 years	CWP No. 8814/2022
18	Naveen Sharma S/o Sh. Sada Ram, R/o VPO Patlander, Tehsil Sujanpur, District Hamirpur, H.P.- 176111, presently working as TGT (Arts) in GSSS Patlander, District Hamirpur, H.P. aged about 42 years.	CWP No. 8814/2022
19	Chintesh Kumar S/o Sh. Surinder Kumar, R/o Village Jakhduien, P.O. Pukhri, Tehsil and District Chamba, presently working as TGT (Arts) in Govt. High School Bhatka, District Chamba, H.P. aged about 42 years	CWP No. 8814/2022
20	Deepika Nepta w/o Sh. Narender Nepta. r/o Nepta niwas Vikasnagar	CWP No. 8814/2022

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	Shimla presently working as TGT (N/M) in GSSS Sanjauli Distt. Shimla	
21	Pramod Kumar S/o Sh. Sonam Palazar, R/o Village Telangi, P.O. Khawangi, Tehsil Kalpa, District Kinnaur, H.P.-172107, presently posted as TGT (N/M) in GMS Jonage u/c GSSS Chagoan, District Kinnaur, H.P. aged about 40 years	CWP No. 8814/2022
22	Rajender Sharma S/O Sh. Amar Chand R/o Village Khahan Post Office Khahan Tehsil Sarkaghat District Mandi Himachal Pradesh, age about 47 years, presently working as TGT (N/M) at GSSS Serla Khaboo District Mandi, H.P	CWP No. 7747/2023
23	Sushil Kumar S/o Kalu Ram R/o V.P.O Koti Tehsil and Distt. Chamba age 48 years presently working as TGT (Non-Medical) at GSSS Chandi Teh and Distt. Chamba HP	CWP No. 7747/2023
24	Sandeep Kumar S/o Sh. Jeevan Singh R/o Village Balu Post Office Garnota Tehsil Sihunta District Chamba Himachal Pradesh, age about 45 years, presently working as TGT (NM) at GMS Kamla U/C Gsss Sihunta District Chamba H.P.	CWP No. 7747/2023
25	Rajesh Kumar S/o Sh. Bhagat Ram R/o Village and Post Office Urei Tehsil Bharmour District Chamba Himachal Pradesh, age about 46 years, presently working as TGT (Arts) at GMS Urei U/C GSSS Ranuh District Chamba H.P.	CWP No. 7747/2023
26	Nek Ram S/o Sh. Kirpa Ram R/o Village and Post Office Pratha Tehsil Kasauli District Solan H.P., age about 47 years, presently working as TGT (Arts) at OGSSS Pratha District Solan H.P.	CWP No. 7747/2023
27	Gauri Dutt S/o Sh. Kanshi Ram R/o Village Ropari Post Office Pressi Tehsil Nihri District Mandi H.P., age about 46 years, presently working as TGT (Arts) at GHS badehan District Mandi H.P.	CWP No. 7747/2023
28	Rajeev Kumar S/o Sh. Roop Singh R/o Village Parchhu Post Office Sajao Piplu Tehsil Dharampur District Mandi Himachal Pradesh, age about 47 years, presently working as TGT (N/M) at GSSS BALU District Mandi H.P.	CWP No. 7747/2023
29	Ranjna Kumari R/o Village Ruhan Post Office Jukhala Tehsil Sadar District Bilaspur H.P., age about 46 years, presently working as TGT (N/M) at GHS Khararhatti U/C GSSS Kunihar District Solan H.P.	CWP No. 7747/2023
30	Anil Kumar S/o Sh. Khem Singh R/o Village and Post Office and Tehsil Nihri District Mandi H.P., age about 47 years, presently working as TGT (Arts) at GHS Kathachi District Mandi H.P.	CWP No. 7747/2023
31	Kulbhushan Thakur S/o Sh. Uttam Singh R/o Village and Post Office Hardaspura Tehsil and District Chamba Himachal Pradesh, age about 47 years, presently working as TGT ARTS at GMS GUDDA U/C GSSS RAJERA District Chamba H.P.	CWP No. 7747/2023
32	Ashok Kumar S/o Sh. Hem Raj Sharma R/o Village and Post Office Palog Tehsil Arki District Solan Himachal Pradesh, age about 48 years, presently working as TGT (NON MED) at GHS Nehara (Ghanahatti) District Shimla H.P.	CWP No. 7747/2023
33	Subhash Chander Sharma S/o Sh. Puran Chand R/o VPO Chhatrari Tehsil and Distt. Chamba H.P., age about 47 years, presently working as TGT (Arts) at GSSS Chhatrari Distt Chamba H.P.	CWP No. 7747/2023
34	Savroop Chand S/o Sh. Karam Chand R/o VPO Chhatrari Teh. and Distt. Chamba H.P., age about 46 years, presently working as TGT (NM) at GMS Bharian U/C Gsss Mangla District Chamba H.P.	CWP No. 7747/2023
35	Yash Pal S/o Sh. Lagan Chand R/o Village Percha Post Office Mohani Tehsil Banjar District Kullu Himachal Pradesh, age about 46 years, presently working as TGT (NON-MED) at GSSS Khouli District Kullu H.P.	CWP No. 7747/2023
36	Jaikaran S/o Sh. Sarahu Ram R/o VPO Kunra Tehsil and Distt. Chamba Himachal Pradesh, age about 48 years, presently working as TGT (ARTS) at GMS Jaintra U/C GSSS Kunra District Chamba H.P.	CWP No. 7747/2023
37	Tilak Raj S/o Sh. Jai Nand R/o Village Rihangli Post Office Pater Tehsil	CWP No. 7747/2023

	Ghumarwin Distt. Bilaspur H.P., age about 46 years, presently working as TGT (NM) at GSSS Talwara Distt Bilaspur H.P.	
38	Pooja Mankotia W/o Sh. Hem Singh Thakur R/o Village Prahunie PO Koti Tehsil and Distt. Chamba age 46 years presently working as TGT (Arts) at GSSS Pukhri Tehsil and District Chamba HP	CWP No. 7747/2023
39	Budhi Singh S/o Sh. Gopal Dass R/o Vill. Bhujling PO Lohardi Tehsil Multhan Distt. Kangra H.P. 175013, age about 46 years, presently working as TGT (NM) at SRK GMSSS Chachian District Kangra H.P.	CWP No. 7182/2023
40	Priyanka W/o Sh. Manish Kumar Rana R/o VPO Sidhpur Tehsil Dharamshala District Kangra H.P. 176057, age about 44 years, presently working as TGT (Non-Med) at GSSS Forsythganj District Kangra H.P.	CWP No. 7182/2023
41	Manoj Kumar S/o Late Sh. Madan Singh, Aged 43 Years, R/o VPO Kanahar, via Narkanda, Distt. Shimla, H.P, Presently working as TGT Arts in GMS, Kanahar u/c GSSS, Khaneti Sadhoch, Education block Kumarsain, District Shimla, Himachal Pradesh.	CWP No. 6455/2023
42	Dimpa Rani W/o Sh. Trilok Chand Vill. Bamol P.O. Bahali Tehsil Rampur Distt. Shimla H.P. presently posted as TGT (Medical) at GSSS Duttnagar Distt. Shimla H.P.	CWP No. 6806/2022
43	Sandeep Kumar S/o Sh. Narottam Das Vill. Dalog, P.O. narain Tehsil Rampur Distt. Shimla H.P. presently serving as TGT Arts at GMS Shaneri Distt. Shimla H.P. age 41 years.	CWP No. 6806/2022

The concerned Principal/Headmaster/Incharge 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 by 31.12.2023 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.

प्राथमिक शिक्षा निदेशालय (डि.प्र.)

11 DEC 2023

Director Elementary Education,
Himachal Pradesh.
December, 2023

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 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.