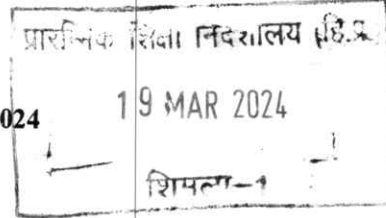


No. EDN-H(2)B(2)34/2022-Contract-Regl.  
Directorate of Elementary Education,  
Himachal Pradesh.

Dated: Shimla-171001, the March, 2024



**ORDER**

**Whereas**, the contract appointment in Education Department H.P. w.e.f. 1995 to 1999 was contrary to R&P Rules and candidates of local employment exchange participated in selection process and initially it was a stop-gap arrangement. Whereas, TGT is a state cadre. The Govt. after cabinet approval vide letter No. Shiksha-II-(Kha)(12)2/99-Loose dated 09.06.2005 conveyed the decision to regularize the service of those contractuals who had completed 08 years of continuous services as on 31.12.2004 from 01.01.2005 and those who were going to complete 08 years contract service as on 31.12.2005 w.e.f. 01.01.2006, however, in approval it was mentioned that for contractual who will complete 08 years' service as on 31.12.2005 orders should be issued after 31.12.2005 i.e. regularization w.e.f. 01.01.2006. Thereafter, Government had not given any approval to regularize the service of contractual till 09.09.2008. First time regularization policy for contractual was notified by Department of Personnel to the Government of H.P. vide letter No. PER(AP)-C-B(2)-1/99-Loose dated 09.09.2008 and it was mentioned in the policy that those contractual who have completed 08 years services as on 31.03.2008 may be regularized after observing all codal formalities. As per Govt. decision regularization granted to them after 08/09 years contract service itself is a generous gesture on the part of the Government since after regularization they have been given regular scale and is treated at par with other regular employee. This generous gesture shown by the Government is in deviation of the normal channel of recruitment.

**Whereas**, Smt. Sarita Kumari & ors, has filed CWP No. 3108/2023 titled as Sarita Kumari & Ors Vs State of H.P. & Ors in the Hon'ble High Court of H.P. to regularize their services from the date when they were completing eight years of contract service i.e. w.e.f. 01.01.2007 on the analogy of those contractual who had completed 08 years of continuous services as on 31.12.2004 or 31.12.2005 and whose services had been regularized w.e.f. 01.01.2005 and 01.01.2006.

The Hon'ble High Court of H.P. in CWP No. 3108/02023 titled as Sarita Kumari & ors Vs State of H.P. & Ors has passed the following orders on dated 24.05.2023:-

"Learned counsel for the petitioners states that the issue in question is squarely covered by the judgment rendered by the Division Bench of this Court on 10.4.2013 in CWP No. 1853 of 2009, case titled as "Arpana Bali Vs. State of Himachal Pradesh and others. It is a matter, which is required to considered by the employer.

Therefore, without going into the merits of the case, we deem it proper to dispose of the writ petition by directing the respondents to consider and decide the case(s) of the petitioners in the light of the aforesaid decision and if the case(s) of the

petitioners is/are found to be covered by the aforesaid judgment, then the same and similar benefits as extended in Arpana Bali's case ( supra) be also extended to the petitioners herein. This entire exercise shall be completed within four weeks. Ordered accordingly. Pending application(s), if any, also stand disposed of."

**Whereas**, after through examination of the case of the peititoners it is found that they were appointed as TGT (Arts/NM/Medical) as a temporary measure on "Contract Basis" in the year of 1998 and their services were terminated due to joining of regular teacher in the year of 1998, 1999 & 2000, however, later on they were appointed as TGTs under Para Teacher Policy, 2003 and as per order of the Hon'ble H.P. Administrative Tribunal H.P. passed in O.A. No. 4489/2018 titled as Harnam Singh Banshtu Vs State of H.P. & Ors dated 01.08.2018, their services were also considered regularized by the Department w.e.f. 20.12.2008 with their counterparts vide office order No: EDN-H(2)B(2)35/2021-Para Teacher dated 23.02.2022.

**Whereas**, now Smt. Sarita Kumari & other petitioners in the present petition have sought the relief to count their break period on contract basis for the purpose of regularization from the date when their counterparts were considered regularized i.e. w.e.f. 01.01.2007 on the analogy of judgment rendered in CWP No. 1853 of 2009-D titled as Arpana Bali Vs State of H.P. & Ors dated 10.04.2013.

**And whereas**, Smt. Arpana Bali was appointed as a temporary measure on "Contract Basis" by the Principal GSSS (Girls) Chamba, District Chamba as Lect. Music (Vocal) and she joined on 12.11.1998. Her services were regularized by the department vide office order dated: 02.03.2009. She had filed CWP No. 1853 of 2009-D before the Hon'ble High Court of Himachal Pradesh which was disposed off on 10.04.2013 with the following direction: -

*"19. Accordingly, there shall be a direction to the 2<sup>nd</sup> respondent to order the regularization of the petitioner on notional basis w.e.f. 1.1.2007, within a period of two months from the date of production of a copy of this order by the petitioner before the 2<sup>nd</sup> respondent. However, the due and admissible monitory benefits be restricted from the date of she had joined duties pursuant to the office order dated 02.03.2009, Annexure P-13."*

**And whereas**, the matter of CWP No. 1853 of 2009-D was taken up with the Govt. by the Director Higher Education H.P. and the Government vide letter No. EDN-C-B(15)10/2015 dated 05.10.2019 conveyed as under:-

*"Examined. Department is advised to settle the issue as per directions of the Hon'ble High Court. Further instructions dated 15.12.2011 and 07.01.2012 issued by Finance Department may also be kept in view by the Department."*

And whereas, in pursuance to the order of the Hon'ble High Court of H.P. dated 10.04.2013 and further approval conveyed by the Government vide letter No. EDN-C-B(15)10/2015 dated 05.10.2019, the services of the petitioner Smt. Arpana Bali was considered regularized w.e.f. 01.01.2007 by the Director Higher

Education H.P. vide office order No. EDN-HE(19)B(1)-8/2012-Contract-Regl. Dated 28.11.2019. The benefit of regularisation to other similarly situated contractual Lecturers has also been given by the Director, Higher Education H.P. vide letter No. EDN-HE(19)B(1)-8/2022-Contract-regl. Dated 05.03.2022.


**And whereas**, after thorough examination of the cases of the petitioners it is found that the relief sought by the petitioners is similar to the case of CWP No. 1853 of 2009-D titled as Arpana Bali Vs. the State of Himachal Pradesh and others, decided on 10<sup>th</sup> April, 2013. The Department has already extended benefit of regularization to other similarly situated contractual TGTs on the analogy of Arpana Bali's case by regularizing their services w.e.f. 01.01.2006 or 01.01.2007 or 01.01.2008 by counting their break period on contract basis vide office order No. EDN-H(2)B(2)34/2022-Contract Regl. Dated 17.11.2022, 13.12.2022, 01.03.2023, 05.06.2023 & 22.06.2023, 13.07.2023, 29.12.2023 & 14.03.2024.

Now, therefore, in view of the facts and circumstances of the case, regularization in service is hereby allowed to the petitioners as per date shown in column 5:-

Sr. No.	Name of the petitioner with place of posting	Date of initial contract appointment as TGT	Date of earlier regularisation	Regularisation allowed in light of CWP No. 1385/2022-Poonam Chandel Vs State
1	2	3	4	5
1	Sarita Kumari, (Lecturer Maths), GSSS Darini Distt. Kangra) earlier TGT (Arts)	28.08.1998	20.12.2008	01.01.2007
2	Chaman Lal, (Lecturer Physics) GSSS Shalla Distt. Mandi, earier TGT (NM).	07.07.1998	20.12.2008	01.01.2007
3	Raman Kumar, (Lecturer Chemistry) GSSS Dhulara (Chamba) earlier TGT (NM)	10.07.1998	20.12.2008	01.01.2007
4	Sanyojika Kumari, (Lecturer Sociology) GMSSS Majhera (Kangra) earlier TGT (Medical)	07.07.1998	20.12.2008	01.01.2007
5	Surender Prakash, (Lecturer Political Science), GSSSS Nkrana Distt. Bilaspur earlier TGT (Arts)	28.08.1998	20.12.2008	01.01.2007
6	Raju Ram Thakur, (Lecturer History) GSSS Sharti Distt. Mandi earlier TGT (Arts)	09.06.1998	20.12.2008	01.01.2007

7	Joginder Singh, (Lecturer Political Science) GSSS Chah Ka Dora Distt. Mandi earlier TGT (Arts)	02.07.1998	20.12.2008	01.01.2007
8	Kuldeep Singh, (Lecturer Political Science) GSSS, Chah Ka Dora Distt. Mandi earlier TGT (NM)	12.01.1998	20.12.2008	01.01.2007
9	Hukam Chand, (Lecturer Sociology), GSSS Thaltukhod Distt. Mandi earlier TGT (Arts)	25.03.1998	20.12.2008	01.01.2007
10	Himani Puri, (Lecturer Economics) GSSS, Pukhri Distt. Chamba earlier TGT (Arts)	28.08.1998	20.12.2008	01.01.2007
11	Ashwini Kumar, TGT (Arts) GSSS Trifalghat Distt. Mandi	17.10.1998	20.12.2008	01.01.2007
12	Rajender Kumar, TGT (NM) GMS Cheon Distt. Chamba	08.07.1998	20.12.2008	01.01.2007
13	Pankaj Gupta, TGT (Arts) GSSS Karian Distt. Chamba	17.08.1998	20.12.2008	01.01.2007
14	Kiran Chauhan, TGT Arts, GSSS Karian Distt. Chamba	31.07.1998	20.12.2008	01.01.2007

The Principal's concerned schools are hereby directed that arrears be released as per **Finance Department H.P. instructions issued vide letter No. Fin-E-1-C(17)-6/08 dated 07.01.2012, No. FIN(PR)-B(7)-16/98-III (Agriculture) dated 15.12.2011 & and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022** and entry in this regard may also be made in the service book of the petitioners. May inform the parties accordingly.

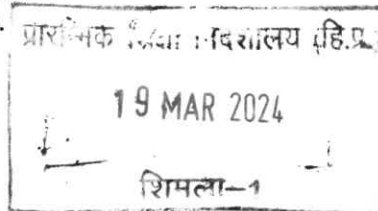
  
Director Elementary Education,  
Himachal Pradesh, Shimla-I  
March, 2024

Endst. No. Even Dated: Shimla-01, the

Copy forwarded for information and necessary action to:-

1. The Principal Secretary (Education) to Govt. of Himachal Pradesh w.r.t. letter No. EDN-C-E(3)1/2022 dated 27.10.2022.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWPs.
3. The Deputy Director of Elementary Education, Shimla Distt. Shimla Himachal Pradesh.
4. The Principal, GSSS, Shiwan Distt. Shimla H.P.
5. Sarita Kumari W/o. Sh. Gandharav Nag, R/o V.P.O. and Tehsil Shahpur, Distt. Kangra, H.P. (TGT Arts Presently working as Lecturer in Maths at GSSS Darini, Kangra, H.P.) aged about 51 years.
6. Ashwini Kumar S/o Sh. Satish Kumar, R/o Village Chharal, P.O. Talwara, Tehsil Ghumarwin, District Bilaspur, H.P. (Presently working as TGT Arts at GSSS Trifalghat, Distt. Mandi, H.P.) aged about 52 years.
7. Chaman Lal S/O Sh. Kripa Ram R/o Village Kaner, P.O. Fatehpur and Tehsil Sarkaghat, Distt. Mandi, H.P. ( TGT Non Medical Presently working as

- Lecturer in Physics at GSSS Shalla, Tehsil Chachiot, Mandi, H.P.) aged about 48 years.
8. Himani Puri W/o Sh. Harsh Puri, R/o Mohalla Hardaspura, District Chamba, H.P. (TGT Arts Presently working as Lecturer in Economics at GSSS Pukhri, Distt. Chamba, H.P.) aged about 48 years.
  9. Hukam Chand S/o Sh. Durga Dass, R/o Village Pabo, P.O. Sukkibain, Tehsil Chachiyot, District Mandi, H.P. (TGT Arts Presently working as Lecturer in Sociology at GSSS Thaltukhod, Distt. Mandi, H.P.) aged about 53 years.
  10. Joginder Singh S/o Sh. Rai Cahnd, R/o V.P.O. Upper Bhambla, Tehsil Baldwara, District Mandi, H.P. (TGT Arts Presently working as Lecturer in Political Science at GSSS Chah ka Dora, Distt. Mandi, H.P.)
  11. Kiran Chauhan W/o Sh. Rajinder Sekhri, R/o Moh. Sapri, Near NarSingh Temple, H.P. (Presently working as TGT Arts at GSSS Karian, Distt. Chamba, H.P.) aged about 50 years.
  12. Kuldeep Singh S/o Sh. Joginder Singh, R/o V.P.O. Kuthera, Tehsil Ghumarwin, District Bilaspur, H.P. (TGT Non Medical Presently working as Lecturer in Political Science at GSSS Chah ka Dora, Distt. Mandi, H.P.) aged about 54 years.
  13. Pankaj Gupta W/o Sh. Atul K. Gupta, Jindal Niwas, Behind Radha Krishan Temple, Upper Julakari, Distt. Chamba, H.P. (Presently working as TGT Arts at GSSS Karian, Distt. Chamba, H.P.) aged about 54 years.
  14. Rajender Kumar S/o Sh. Karam Chand, R/o Village Bhagsiar, P.O. Jandhog, Tehsil Bhattiyat, District Chamba, H.P. (Presently working as TGT Non Medical at GMS Cheon, Distt. Chamba, H.P.) aged about 49 years.
  15. Raju Ram Thakur S/O Sh. Nek Ram R/o Village Kumharda, P.O. Pehad, Tehsil Dharampur, Distt. Mandi, H.P. (TGT Arts Presently working as Lecturer in History at GSSS Sharti, Tehsil Balichowki, Distt. Mandi, H.P.) aged about 51 years.
  16. Raman Kumar S/O Sh. Narayan Prakash R/o V.P.O. Dari, Dharamshala, Distt. Kangra H.P. (TGT Non Medical Presently working as Lecturer in Chemistry at GSSS Dhulara, Tehsil Sihunta, Distt. Chamba, H.P.) aged about 52 years.
  17. Sanyojika Kumari, W/O. Sh. Atul Singh, R/o V.P.O. Saloh and Tehsil Palampur, Distt. Kangra, H.P. (TGT Medical Presently working as Lecturer in Sociology at GMSSS Majhera, Tehsil Jaisinghpur, Distt. Kangra, H.P.) aged about 50 years.
  18. Surender Prakash S/O Sh. Bansi Ram R/o V.P.O. Lada, Tehsil Ghumarwin, Distt. Bilaspur, H.P. (TGT Arts Presently working as Lecturer in Political Science at GSSS Nkrana, Distt. Bilaspur, H.P.) aged about 51 years.
  - 19.. In-charge IT Cell to upload the same on departmental website.
  20. DA dealing with TGTs Seniority/Pay fixation/ ACPs for necessary information.
  21. Guard file.



Director Elementary Education,  
Himachal Pradesh, Shimla-I

