

No. EDN-H(2)B(2)-17/2003(Taking Over)
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01

Dated Shimla-171001 the March, 2024

In the matter of CWPOA No. 4320/2019 titled as Angrej Singh, TGT (Arts) & Ors Vs State of Himachal Pradesh & Ors decided on 22.12.2023.

ORDER

Whereas Sh. Angrej Singh, TGT (Arts) & others has filed CWPOA No. 4320/2019 titled as Angrej Singh & ors Vs State of Himachal Pradesh & others for protection of pay from the date of taking over of their services with all consequential benefits.

Whereas, the Hon'ble High Court of H.P. disposed of the CWPOA No. 4320/2019 titled as Angrej Singh & ors Vs State of Himachal Pradesh & others on 22.12.2023. Operative part of the order/judgment is as under:-

"Accordingly, in view of aforesaid observations, these petitions are allowed to the extent that petitioners are held entitled to the last pay drawn by them at the time of their services were taken over by the respondents-Department as a measure personal to them as has also been done by the respondents-Department in the case of similarly situated persons in terms of office orders dated 07.09.2012 and 21.07.2012. In other words, this Court holds that the petitioners are entitled for same parity with regard to the fixation of the salary as has been done by the Department in the case of incumbents referred to in office orders dated 07.09.2012 and 21.07.2012 (Annexure P-5 Colly in CWPOA No.4320 of 2019). The fixation of pay as well as benefits of revision thereof shall be given to the petitioners from the date, their services were taken over. Let, needful be done within a period of 90 days from today. In case, the needful is not done within a period of 90 days, then the Department shall be liable to pay interest upon the arrears @ 6% simple interest from the date of judgment till the date of the release of actual emoluments. Pending miscellaneous applications also stand disposed of."

Whereas, after thorough examination of the case of the petitioners it is revealed that Smt. Sneha Lata, TGT (Arts) & Sh. Sat Pal Kalia, TGT (NM) were appointed against the post of TGT in F.D. Sr. Sec. School Mundmiyani, Distt. Kangra and Sh. Angrej Singh, TGT (Arts), Sh. Rahul Kumar, TGT (NM), were appointed against the post of TGT in Public Middle School Attara (Middle Wing), Distt. Kangra and Sh. Anil Kumar. TGT (Arts) was appointed against the post of TGT in Public High School Harnota (Middle Wing), Distt. Kangra which was privately managed 95% aided Schools and with the prior approval of the Govt. conveyed vide letter No. Shiksha-II-Chha(10)2/2003-II dated 09.09.2005, the services of the petitioners were taken over by the Department on regular basis vide this Directorate office order of even number dated 10.08.2006 & 21.09.2006 in the minimum pay scale of TGT.

Whereas, feeling aggrieved the petitioners filed present petition to protect their last pay drawn in privately managed 95% aided F.D. Sr. Sec. School Mundmiyani, Distt. Kangra, Public Middle School Attara (Middle Wing), Distt. Kangra & Public High School Harnota (Middle Wing), Distt. Kangra at the time of taking over their services. In a similar matter, the pay of the teachers appointed against the posts of C&V cadre in other privately managed 95% aided schools has been protected by this Department in compliance to the orders of the Hon'ble Court of H.P. passed in CWPOA No. 690 of 2019 a/w CWPOA Nos. 1407 & 3373 of 2019 on dated 11.03.2022.

In view of above facts and circumstances and in compliance to the orders of the Hon'ble Court, the last pay drawn by the petitioners in privately managed 95% aided F.D. Sr. Sec. School Mundmiyani, Distt. Kangra, Public Middle School Attara (Middle Wing), Distt. Kangra & Public High School Harnota (Middle Wing), Distt. Kangra at the time of taking over their services to Elementary Education is hereby protected.

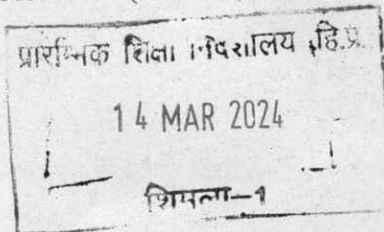
The concerned Principal/Headmaster/Incharge of GSSS/GHS/GMS of H.P. is further directed that consequential benefits regarding monetary benefits qua the petitioners shall be released as per the instructions issued by the Finance Department H.P. vide letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012 and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022.

The earlier speaking order issued vide this Directorate office order of even number dated 06.03.2024 is hereby withdrawn.

DIRECTOR
March, 2024

Endst. No: As Even Dated: Shimla the
Copy forwarded for information and further necessary action to :-

1. The Secretary (Education) to the Govt. of H.P. for kind information.
2. The District Attorney (Education) w.r.t. CWP ibid.
3. All the Deputy Director of Elementary Education concerned.
4. All the Principal/Headmaster of the school concerned.
5. Sh. Angrej Singh, (Retd. TGT) S/o Sh. Rai Singh, Vill. Pacca Talla, P.O. Kandwal, Teh. Nurpur, Distt. Kangra, HP.
6. Sh. Rahul Kumar, TGT (NM) S/o Sh. Satyas Bhushan, VPO Bhadwar, Teh. Nurpur, Distt. Kangra, HP.
7. Smt. Sneh Lata, (Retd. TGT (Arts), D/o Sh. Bishan Dass R/o Teacher Colony Luxmi Palace Road, VPO Indora, Distt. Kangra, HP.
8. Sh. Sat Pal Kalia, TGT (NM) S/o Sh. Babu Ram, VPO Mohtli, Teh. Indora, Distt. Kangra, HP.
9. Sh. Anil Kumar, TGT (Arts), GSSS Sidhpur Ghar, Distt. Kangra, HP.
10. The Dealing Assistant (Internal), Dte. of Elem. Edu. HP Shimla-1.
11. Guard file.



DIRECTOR