

**No. EDN-H(2)B(2)335/2023-CC.**

Directorate of Elementary Education,  
Himachal Pradesh.

Dated: Shimla-171001, the April, 2024

**ORDER**

**Whereas**, 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 contractuales 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**, Sh. Pardeep Kumar & ors, has filed CWP No. 335/2023 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.

The Hon'ble High Court of H.P. in CWP No. 335/02023 titled as Pardeep Kumar & ors Vs State of H.P. & Ors has passed the following orders on dated 24.05.2023:-

““ Though reply on behalf of respondents No. 1,2,3,4,6 & 7 reveals that the case of petitioners No. 1 and 2 has been examined in light of judgment rendered by Division Bench of this Court in LPA No. 146 of 2010 titled State of H.P Vs. Narayan Singh but there is no explanation rendered on record qua non implementation of aforesaid decision in case of petitioner No. 3.”

Thereafter the case was again listed on 26.03.2024 when after hearing the matter for some time the Hon'ble High court has passed the following orders:

“Learned Additional Advocaee General submits that the case be taken up after two weeks so that he can have appropriate instructions as to why relief has not been granted in favour of petitioner No. 3. As prayed for, list on 08.04.2023.

And whereas, the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP(T) No. 5253 of 2008 dated 21-04-2010 is as under:-

**“Accordingly, in view of the observations, made hereinabove, the petition is allowed. The termination of the petitioner dated 22-05-2000 is declared illegal being violative of the principal of “last come first go”. Respondents are directed to consider the case of petitioner for regularization as lecturer (School cadre) by taking into consideration his initial engagement w.e.f 23-09-1998. The period of break in service between 22.05.2000 to 22.09.2001 is condoned. The period shall be counted for all intents and purposes, including seniority. Needful be done within a period of eight weeks from today. No costs.”**

And whereas, CWP(T) No. 5253 of 2008 titled as Narain Singh versus State of HP was agitated by filing LPA No. 146/2010 before the Hon'ble High Court of HP which was disposed of on 01-09-2015 with other LPAs, operative part is as under:-

**“Keeping in view the statement made by the arguing counsel appearing on behalf of the writ petitioners-respondent herein, we deem it proper to modify the impugned judgments with a direction to the respondents to regularize the services of the writ petitioner respondents herein from the date(s) their junior(s) came to be regularized with all consequential benefits. Consideration order(s) be passed within six weeks.”**

And whereas, the petitioner Sh Narain Singh was appointed as Lect. Pol. Sc. as temporary measure on contract basis on dated 23.09.1998. His services were terminated on 22.05.2000 due to joining of regular incumbent. Thereafter, his services were re-engaged by the Department again on contract basis at GSS Kujabhal Distt. Mandi and he joined as such on 22.09.2001.

And whereas, the judgment passed by the Hon' ble High Court of H.P. in LPA No. 146 of 2010 was further challenged by state in SLP No. 43319 of 2018 before the Hon'ble Apex Court of India which was dismissed on 14.12.2018 on the ground of delay. Thereafter, the matter was taken up with the Government by the Director, Higher Education H.P. and the Government conveyed the approval to implement the judgment vide letter No. EDN-B-E(5)-17/2018 dated 21.01.2021 and same was implemented by the Department of Higher Education H.P. vide order No. EDN-H(19)B(1)-8/2012-Contract-Regl. dated 09.01.2018 and services of the petitioner Sh Narain Singh who was appointed as Lect. Pol. Sc. as temporary measure on contract basis on dated 23.09.1998 and whose services were terminated on 22.05.2000 due to joining of regular incumbent and later on re-engaged on contract basis on .2001 were regularized w.e.f. 31.12.2008 from the date when services of his counterparts were regularized and arrear if any is granted as per Finance Department instruction No. Fin-E-I-C(17)-6/08 dated 07.01.2012.

**Whereas,** after thorough examination of the case of the peititoner it is found that he was appointed as TGT (Arts/NM/Medical) as a temporary measure on "Contract Basis" in the year of 1998 and his services were terminated due to joining of regular teacher in the year of 1999, 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 Sh. Pardeep Kumar & 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 they were completing eight years of contract services.

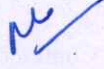
And whereas, the services of the petitioner was regularized by the Department w.e.f. 20.12.2008 when the services of his junior counterparts were regularized but later on the services of those contractual TGTs who were junior to the petitioner has been regularizaed by the Department w.e.f. 01.01.2006 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, and as per orders passed by the Hon'ble High Court of H.P. in LPA No. 146 of 2010 and further approval conveyed by the Government vide letter No. EDN-B-E(5)-17/2018 dated 21.01.2021. regularization in service is hereby allowed to the petitioner with all consequential benefits 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 at par with the junior contractual regularized.
1	2	3	4	5
1	Vijay Kumar S/o Sh. Rattan Chand VPO Sakri Tehsil Baijnath District Kangra Aged about 53 years presently post as a TGT (Arts) at GHS Bahi District Kangra HP	12.06.1998	20.12.2008	<b>01.01.2007</b>

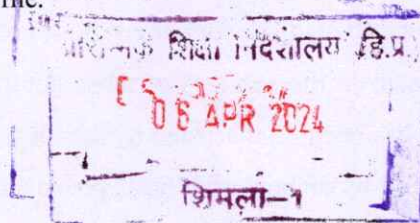
The Principal's concerned schools are hereby directed that arrear be released as per **Finance Department H.P. instructions issued vide letter No. Fin-E-1-C(17)-6/08 dated 07.01.2012, & and No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022** and entry in this regard may also be made in the service book of the petitioners. While calculating arrear already paid amount be adjusted. The ACPs


and Seniority cases may also be send to this Directorate immediately. May inform the parties accordingly.

  
Director Elementary Education,  
Himachal Pradesh, Shimla-I

Endst. No. Even Dated: Shimla-01, the April, 2024  
Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. letter No. EDN-C-B(15)14/2020 dated 11.01.2022.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWPs.
3. The Deputy Director of Elementary Education, Kangra Distt. Kangra Himachal Pradesh.
4. The Hadmaster, GHS Bahi Distt. Kangra H.P.
5. Vijay Kumar S/o Sh. Rattan Chand VPO Sakri Tehsil Baijnath District Kangra.
6. In-charge IT Cell to upload the same on departmental website.
7. DA dealing with TGTs Seniority/Pay fixation/ACPs for necessary information.
8. Guard file.



  
Director Elementary Education,  
Himachal Pradesh, Shimla-I