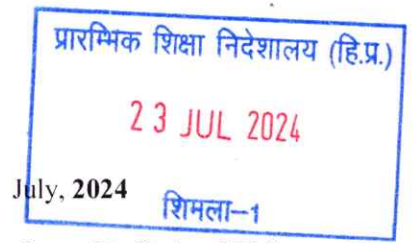


No. EDN-H(2)B(2)7965/2023-CC.
Directorate of Elementary Education,
Himachal Pradesh.
Dated: Shimla-171001, the



In the matter of CWP No. 7965/2023 titled as Vipan Kumar & ors Vs State of H.P. & ors decided on 19.10.2023.

ORDER

Whereas, CWP No. 7965/2023 titled as Vipan Kumar & ors Vs State of H.P. & ors was filed by the petitioner in the Hon'ble high Court of H.P. for the following relief:-

“A writ of amandamus may kindly be issued and respondents department be directed to count the contractual services rendered by the petitioners before regularization be counted for the purpose of pension and increment with all consequential benefits under Old pension scheme in view of the judgment passed in CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P. and CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others and the arrear accrued thereon be paid alongwith interest from the date of accrual til the date of realization in the interest of justice and fair play.”

And whereas, the case was listed before the Hon'ble High Court of H.P. on dated 19.10.2023 when after hearing the matter the Hon'ble High Court has passed the following orders/judgment:-

“2. Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the judgment passed by a Coordinate Bench of this Court in CWP No. 5507 of 2020, titled as, Oma Wati & another vs. State of H.P. & others, on 21.8.2023. He further submits that petitioners shall be content in case the respondents are directed to consider the case of the petitioners in a time bound manner in light of judgment *ibid*.

3. Accordingly, the petition is disposed of without making any comments on the merits of the case of the petitioners. It is directed that respondents shall consider the case of the petitioners in light of judgment passed by a Coordinate Bench of this Court in CWP No. 5507 of 2020, within eight weeks from today and will decide the same by passing a speaking order. In case, the petitioners are found similarly situated as petitioners in CWP No. 5507 of 2020, they will also be granted the same benefits as granted to petitioners in above referred case. Pending miscellaneous application, if any, also stand disposed of.”

MW

Whereas, after through examination of the case of the petitioners it is found that the petitioners were appointed as TGTs as a temporary measure on "Contract Basis" in the year of 1998 and their services were regularized by the Department vide office order No.EDN-H(2)B(2)-34/2005-Contract dated 20.12.2008 with immediate effect, however, later on their services were regularized w.e.f. 01.01.2007 vide office order No. EDN-H(2)B(2)34/2022-Contract-Regl. dated 17.11.2022.

And whereas,, now the petitioners in the present petition has sought the relief to count their contractual services rendered before regularization for the purpose of increment and pension alongwith all consequential benefits under Old pension scheme in view of the judgment passed in CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others.

And whereas, the Hon'ble High Court of H.P. in CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others has passed the following judgment on dated 21.08.2023:-

"The claims of the petitioners are squarely covered by the judgments in Sheela Devi, Jagdish Chand as well as Youdhishther Kumar Sharma, referred supra. Therefore, the aforesaid judgments shall mutatis mutandis be applicable to the present cases also, subject to clarification that petitioner No.1 shall be entitled for counting of contract service only for the purpose of pensionary benefits, whereas, benefits to the husband of petitioner No.2 shall be extended by counting his contract service for the purpose of annual increments as well as pensionary benefits

Present petition was filed on 30.10.2018. The actual consequential financial benefits shall, however be restricted to three years prior to filing of the writ petition. Due and admissible benefits be released to the petitioners within a period of three months from today. 11. Needless to say that the benefits beyond three years prior to filing of the writ petition shall be extended to them on notional basis."

And whereas, after thorough examination of the case of the petitioners it is found that the case of the petitioners is similar to Omawati's case and in a similar matter of CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P., the Government vide letter No. EDN-C-E(1)07/2015-L dated 27.05.2024 has conveyed the approval to extend the benefit of counting of contractual services for the purpose of pension and annual increment on case to case basis on the analogy of jagdish Chand's case and the Dy. DEE Mandi Dist. Mandi has implement the order of the Hon'ble High Court of H.P. in a similar matter vide office order No. EDN-MND(Ele)E-IV-JBT/Court Case/3298/2021)2024-9796-9802 dated 26.06.2024.

Now, therefore, the petitioners who were initially appointed on contractual basis against the post of TGTs are hereby granted the benefit of counting of their services on contract basis followed by regular appointment for the purpose of pensionary benefits under CCS (Pension) Rules, 1972 as well as annual increments and

entry in this regard may also be made in the service book of the petitioners. The consequential financial benefits, however is restricted to three years prior to filing of the writ petition.

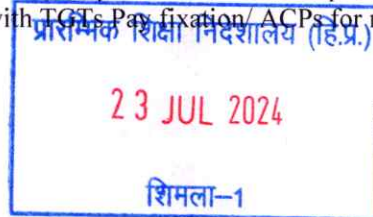
Sr. No.	Name of the petitioner	D.O.B.	D.O.A. on contract basis as TGT	Date of regularization
1	VIPAN KUMAR son of Sh. Rattan Lal Resident of Village and Post Office Dhurkhari Tehsil Baldwara District Mandi H.P. aged about 47 years presently working lecturer in Economics at Government Senior Secondary School Dhanathar District Bilaspur H.P.	01.04.1976	01.09.1998	01.01.2007
2	Sh. Dalip Kumar son of Sh Kanshi Ram resident of village Chanyani Post and Tehsil Baldwara District Mandi H.P. presently working as TGT(arts) at Government Senior Secondary School Khanot District Mandi H.P. aged about 50 years	05.09.1972	27.07.1998	01.01.2007
3	Sudhir Kumar son of Sh Banshi Ram resident of Village Makri Post Office Salon tehsil Ghumarwin District Bilaspur H.P. presently working as TGT (arts) at Government Middle School Rar Manwana under complex Government Senior Secondary School Salaon District Bilaspur H.P. aged about 47 years	08.03.1969	09.06.1998	01.01.2007

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

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

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. letter No. EDN-C-E(1)07/2015-L dated 27.05.2024.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
3. The concerned Deputy Director of Elementary Education, H.P.
4. **The concerned Principal/Headmaster/Incharge of GSSS/GHS/GMS of H.P. with the direction that before extending the benefits it shall be ensured that the services of the petitioner on contractual basis against the post of TGT (NM) is followed by regular appointment to the post of TGT (NM).**
5. **VIPAN KUMAR** son of Sh. Rattan Lal Resident of Village and Post Office Dhurkhari Tehsil Baldwara District Mandi
6. Sh. Dalip Kumar son of Sh Kanshi Ram resident of village Chanyani Post and Tehsil Baldwara District Mandi H.P.
7. Sudhir Kumar son of Sh Banshi Ram resident of Village Makri Post Office Salon tehsil Ghumarwin District Bilaspur H.P.
8. In-charge IT Cell to upload the same on departmental website.
9. DA dealing with TGTs Pay fixation/ ACPs for necessary information.
10. Guard file.



Director Elementary Education,
Himachal Pradesh, Shimla-I

23 JUL 2024

No. EDN-H(2)B(2)7964/2023-CC.
Directorate of Elementary Education,
Himachal Pradesh.

Dated: Shimla-171001, the July, 2024

In the matter of CWP No. 7964/2023 titled as Dinesh Kumar Vs State of H.P. & ors decided on 19.10.2023.

ORDER

Whereas, CWP No. 7964/2023 titled as Dinesh Kumar Vs State of H.P. & ors was filed by the petitioner in the Hon'ble high Court of H.P. for the following relief:-

“A writ of mandamus may kindly be issued and respondents department be directed to count the contractual services rendered by the petitioners before regularization be counted for the purpose of pension and increment with all consequential benefits under Old pension scheme in view of the judgment passed in CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P. and CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others and the arrear accrued thereon be paid alongwith interest from the date of accrual til the date of realization in the interest of justice and fair play.”

And whereas, the case was listed before the Hon'ble High Court of H.P. on dated 19.10.2023 when after hearing the matter the Hon'ble High Court has passed the following orders/judgment:-

“Accordingly, the petition is disposed of without making any comments on the merits of the case of the petitioner. It is directed that respondents shall consider the case of the petitioner in light of judgment passed by a Coordinate Bench of this Court in CWP No. 5507 of 2020, within eight weeks from today and will decide the same by passing a speaking order. In case, the petitioner is found similarly situated as petitioners in CWP No. 5507 of 2020, he will also be granted the same benefits as granted to petitioners in above referred case. Pending miscellaneous application, if any, also stand”

Whereas, after thorough examination of the case of the petitioner it is found that the petitioner was appointed as TGT as a temporary measure on “Contract Basis” in the year of 1998 and his services were regularized by the Department vide office order No.EDN-H(2)B(2)-34/2005-Contract dated 20.12.2008 with immediate effect, however, later on their services were regularized w.e.f. 01.01.2007 vide office order No. EDN-H(2)B(2)34/2022-Contract-Regl. dated 17.11.2022.

And whereas,, now the petitioner in the present petition has sought the relief to count his contractual services rendered before regularization for the purpose of increment and pension alongwith all consequential benefits under Old pension scheme in view of the judgment passed in CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others.

And whereas, the Hon'ble High Court of H.P. in WPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others has passed the following judgment on dated 21.08.2023:-

“The claims of the petitioners are squarely covered by the judgments in Sheela Devi, Jagdish Chand as well as Youdhishther Kumar Sharma, referred supra. Therefore, the aforesaid judgments shall mutatis mutandis be

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applicable to the present cases also, subject to clarification that petitioner No.1 shall be entitled for counting of contract service only for the purpose of pensionary benefits, whereas, benefits to the husband of petitioner No.2 shall be extended by counting his contract service for the purpose of annual increments as well as pensionary benefits

Present petition was filed on 30.10.2018. The actual consequential financial benefits shall, however be restricted to three years prior to filing of the writ petition. Due and admissible benefits be released to the petitioners within a period of three months from today. 11. Needless to say that the benefits beyond three years prior to filing of the writ petition shall be extended to them on notional basis.”

And whereas, after thorough examination of the case of the petitioner it is found that the case of the petitioner is similar to Omawati’s case and in a similar matter of **CWP No. 2411** of 2019 titled as Jagdish Chand Versus State of H.P., the Government vide letter No. EDN-C-E(1)07/2015-L dated 27.05.2024 has conveyed the approval to extend the benefit of counting of contractual services for the purpose of pension and annual increment on case to case basis on the analogy of jagdish Chand’s case and the Dy. DEE Mandi Distt. Mandi has implement the order of the Hon’ble High Court of H.P. in a similar matter vide office order No. EDN-MND(El)E-IV-JBT/Court Case/3298/2021)2024-9796-9802 dated 26.06.2024.

Now, therefore, the petitioner Sh. Dinesh Kumar who was initially appointed on contractual basis against the post of TGTs is hereby granted the benefit of counting of his services on contract basis followed by regular appointment for the purpose of pensionary benefits under CCS (Pension) Rules, 1972 as well as annual increments and entry in this regard may also be made in the service book of the petitioners. The consequential financial benefits, however is restricted to three years prior to filing of the writ petition.

Sr. No.	Name of the petitioner	D.O.B.	D.O.A. on contract basis as TGT	Date of regularization
1	DINESH KUMAR son of Sh. Dharma Prakash resident of Brahlari Post Office Dudhana Tehsil Galore District Hamirpur H.P. aged about 52 years presently working as lecturer in Hindi at GSSS Galore Tehsil Galore District Hamirpur H.P.	24.05.1972	15.07.1998	01.01.2007


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

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

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. letter No. EDN-C-E(1)07/2015-L dated 27.05.2024.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
3. The Deputy Director of Elementary Education, Kangra at Dharamshala Distt. Kangra H.P.

4. The concerned Principal with the direction that before extending the benefits it shall be ensured that the services of the petitioner on contractual basis against the post of TGT (NM) is followed by regular appointment to the post of TGT (NM).
5. **Dinesh Kumar** son of Sh. Dharma Prakash resident of Brahlari Post Office Dudhana Tehsil Galore District Hamirpur H.P..
6. In-charge IT Cell to upload the same on departmental website.
7. DA dealing with TGTs Pay fixation/ ACPs for necessary information.
8. Guard file.



Director Elementary Education,
Himachal Pradesh, Shimla-I

No. EDN-H(2)B(2)7882/2023-CC.
Directorate of Elementary Education,
Himachal Pradesh.

Dated: Shimla-171001, the

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

23 JUL 2024
July, 2024

In the matter of CWP No. 7882/2023 titled as Dinesh Singh Vs State of H.P.
& ors decided on 18.10.2023.

ORDER

Whereas, CWP No. 7882/2023 titled as Dinesh Singh Vs State of H.P. & ors was filed by the petitioner in the Hon'ble high Court of H.P. for the following relief:-

Writ in nature of certiorari may kindly be issued and impugned order dated 13.09.2021 may kindly be quashed and set aside and A writ of amandamus may kindly be issued and respondents department be directed to count the contractual services rendered by the petitioners before regularization be counted for the purpose of pension and increment with all consequential benefits under Old pension scheme in view of the judgment passed in CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P. and CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others and the arrear accrued thereon be paid alongwith interest from the date of accrual til the date of realization in the interest of justice and fair play.

And whereas, the case was listed before the Hon'ble High Court of H.P. on dated 18.10.2023 when after hearing the matter the Hon'ble High Court has passed the following orders/judgment:-

2. Learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgments passed by Division Bench of this Court in CWP No. 2411 of 2019 alongwith connected matters, titled Jagdish Chand Vs. State of H.P. and Ors., decided on 10.01.2010 and CWPOA No. 5507 of 20920, titled Oma Wati and anr. Vs. State of Himachal Pradesh and Ors. He further submits that the petitioner shall be content in case the respondents are directed to consider the case in light of aforesaid judgments in time bound manner.

3. Accordingly, the petition is disposed of with the direction to respondent No. 2 to consider the case of the petitioner within eight weeks from today in light of judgments passed in CWP No. 2411 of 2019 alongwith connected matters and CWPOA No. 5507 of 2020 and decide the same by passing a speaking order. Needless to say, in case the petitioner is found entitled to the same relief(s) as granted to the petitioner(s) in CWP No. 2411 of 2019 No. 5507 of 2020, the same and identical relief will be granted to the petitioner(s) within the aforesaid period.

And whereas, after through examination of the case of the petitioner it is found that Sh. Dinesh Singh was appointed as TGT (NM) as a temporary measure on "Contract Basis" in the year of 1998 and his services were regularized by the Department vide office order No.EDN-H(2)B(2)-34/2005-

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Contract dated 20.12.2008 with immediate effect, however, later on his services were regularized w.e.f. 01.01.2007 vide office order No. EDN-H(2)B(2)34/2022-Contract-Regl. dated 17.11.2022.

And whereas,, now the petitioners in the present petition has sought the relief to count his contractual services rendered before regularization for the purpose of increment and pension alongwith all consequential benefits under Old pension scheme in view of the judgment passed in CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P. and CWPOA No. 5507 of 2020 titled as Omawati Versus State of H.P. and others.

And whereas, the Hon'ble High Court of H.P. in CWP No. 2411 of 2019 titled as Jagdish Chand Versus State of H.P. has passed the following judgment on dated 10.01.2020:-

“In view of above discussion, the service rendered by the petitioners on contractual basis deserves to be counted towards qualifying service for pensionary benefits under CCS(Pension) Rules 1972 and for annual increments. Accordingly, these writ petitions are allowed. The contractual service rendered by the petitioners as Junior Basic Teachers shall be counted towards qualifying service for the purpose of pension under CCS (Pension) Rules, 1972 as well as for annual increments. The consequential financial benefits shall however be restricted to three years prior to filing of the writ petitions. The due and admissible benefits be released to the petitioners within a period of three months from today”.

And whereas, after thorough examination of Jagdish Chand's case, it is revealed that the Government vide letter No. EDN-C-E(1)07/2015-L dated 27.05.2024 has conveyed the approval to extend the benefit of counting of contractual services for the purpose of pension and annual increment on case to case basis on the analogy of jagdish Chand's case.

And whereas, the case of the petitioner Sh. Dinesh Singh is similiary situated to the petitioner in Jagdish Chand's case, and the Dy. DEE Mandi Distt. Mandi has implement the order of the Hon'ble High Court of H.P. in a similar matter vide office order No. EDN-MND(Ele)E-IV-JBT/Court Case/3298/2021)2024-9796-9802 dated 26.06.2024.

Now, therefore, the petitioner Sh. Dinesh Singh S/o Sh. Dhian Singh Vill. Bhamoli P.O. Chhattar Tehsil Fatehpur Distt. Kangra presently working as Lecturer Hindi at GSSS Chhattar Tehsil Fatehpur Distt. Kangra H.P. (earlier TGT (NM)) who was initially appointed on contractual basis against the post of TGT (NM) followed by regular appointment to the post of TGT (NM) is

similarly situated to petitioners in Jagdish Chand's case supra, therefore, the petitioners Sh. Dinesh Singh is hereby granted the benefit of counting of his services on contract basis followed by regular appointment for the purpose of pensionary benefits under CCS (Pension) Rules, 1972 as well as annual increments and entry in this regard may also be made in the service book of the petitioners. The consequential financial benefits, however is restricted to three years prior to filing of the writ petition.

Sr. No.	Name of the petitioner	D.O.B.	D.O.A. on contract basis as TGT	Date of regularization
1	Dinesh Singh S/o Sh. Dhian Singh Vill. Bhamoli P.O. Chhattar Tehsil Fatehpur Distt. Kangra presently working as Lecturer Hindi at GSSS Chhattar Tehsil Fatehpur Distt. Kangra H.P.	21.03.1973	08.07.1998	01.01.2007

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

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

1. The Secretary (Education) to Govt. of Himachal Pradesh w.r.t. letter No. EDN-C-E(1)07/2015-L dated 27.05.2024.
2. The Ld. Distt. Attorney (Education), Directorate of Elementary Education, HP w.r.t. above CWP.
3. The Deputy Director of Elementary Education, Kangra at Dharamshala Distt. Kangra H.P.
4. **The Principal, GSSS, Chhattar Distt. Kangra H.P. with the direction that before extending the benefits it shall be ensured that the services of the petitioner on contractual basis against the post of TGT (NM) is followed by regular appointment to the post of TGT (NM).**
5. Sh. Dinesh Singh S/o Sh. Dhian Singh Vill. Bhamoli P.O. Chhattar Tehsil Fatehpur Distt. Kangra.
6. In-charge IT Cell to upload the same on departmental website.
7. DA dealing with TGTs Pay fixation/ ACPs for necessary information.
8. Guard file.



Director Elementary Education,
Himachal Pradesh, Shimla-I