

No. EDN-H(III)Ele.CWP No. 3787/2024-SML-
Directorate of Elementary Education
Himachal Pradesh.



Dated Shimla-171001, the August, 2024

ORDER

In the matter of CWP No. 3787/2024 titled as Sharda Devi and others Vs. State of HP & Anr. (Reg. Pay Scale).

That the petitioners have filed the above titled case before the Hon'ble High Court of H.P. thereby seeking the following substantive reliefs:-

"(i) That the respondents may very kindly be directed to grant the pay scale as is prescribed to the post of Shastri teacher instead of pay scale as were granted to other similar situated persons in view of judgment passed by the Hon'ble High Court in Madan Lal's case with all consequential benefits and the arrears accrued there under may very kindly be ordered to be released with interest @ 9% per annum in the interest of justice."

The said case was listed before the Hon'ble High Court on 04.07.2024 when the same was disposed of with the following orders:-

"2. Learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the judgments passed by this Court in CWP No. 3341 of 2019, titled as Madan Lal vs. State of H.P. & Ors and CWPOA No. 6582 of 2019, titled as Prem Sukh vs. State of H.P. & Ors. 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 the light of judgments ibid.

3. Prayer being innocuous is not opposed. Accordingly, the instant 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 this Court in CWP No.3341 of 2019, titled as Madan Lal vs. State of H.P. & Ors and CWPOA No. 6582 of 2019, titled as Prem Sukh vs. State of H.P. & Ors., within eight weeks from today and will decide the same by passing a speaking order. In case petitioners are found similarly situated as petitioners in CWP No. 3341 of 2019, titled as Madan Lal vs. State of H.P. & Ors and CWPOA No.6582 of 2019, titled as Prem Sukh vs. State of H.P. & Ors., they will also be granted the same benefits as granted to petitioners in above referred case. Pending applications, if any, also stand disposed of."

The fact of the matter is that the Govt. of H.P. Finance Department notification dated 23.03.1989 provided the pay scale for Shastries and LTs Rs. 1640-2925 which was effective w.e.f. 01.01.1986 & which was subsequently revised to Rs. 5480-8925 w.e.f. 01.01.1996. But the Dy. Secy. to the Govt. of HP issued executive/administrative instructions dated 21.12.1989 "that the pay scale granted to Shastries and LTs vide notification dated 23.03.1989, Shall be applicable only to those Shastries and LTs who are qualified at par with TGTs. The Shastries and LTs who are not qualified at par with TGTs their pay scale shall be Rs. 1500-2700 which was further revised to Rs. 5000-8100 instead of 5480-8925 w.e.f. 01.01.1996." But the HHC in CWP(T) No. 5759/2008 titled as Subhash Chand had ruled out that the administrative instructions dated 21.12.1989 could not be superseded the statutory rules dated 23.03.1989 framed under Article 309 of the Constitution of India.

The case of the petitioners in nutshell is that the petitioners engaged by the PTAs of concerned schools w.e.f. 29.06.2006 to 31.01.2008 and got fixed emoluments under PTA Grant-In-Aid Rules 2006. Thereafter, the services of the petitioners were converted into contract in January, 2015 and regularized from 01.04.2018 in the pay band of Rs. 10300-34800+Rs. 3200/- (GP), whereas, the petitioner mentioned in CWP No. 3341 of 2019, titled as, Madan Lal vs. State of H.P. & others was appointed against the post of Shastri w.e.f. 27.08.1990 on regular basis and in CWPOA No. 6582 of 2019, titled as, Prem Sukh vs. State of H.P. & others the petitioner was appointed against the post of Shastri w.e.f. 07.07.1997 on regular basis as per R&P Rules 1973.

The R&P Rules in r/o Shastries were repealed on 17.05.2010. The pay scale mentioned in the R&P Rules of Shastries dated 17.05.2010 was 10300+3200 and were framed under article 309 of the Constitution of India. Similarly the R&P Rules in r/o LTs were repealed on 31.12.2009 and the pay scale mentioned therein was 5000-8100 which was revised to 10300+3200(GP) w.e.f. 01.01.2006.

Since the pay scale to the petitioners has been given as per the existing R&P Rules framed under article 309 of the Constitution of India therefore, the petitioners are not similar situated to CWP No. 3341 of 2019, titled as, Madan Lal vs. State of H.P. & others and CWPOA No. 6582 of 2019, titled as, Prem Sukh vs. State of H.P. & others. Hence, the pray of the petitioners are hereby rejected and inform all the concerned accordingly.

Sel -
DIRECTOR
August, 2024

Endst. No. Even dated Shimla-171001. the
Copy forwarded for information and necessary action to:-

1. The Ld. District Attorney, Directorate of Elementary Education, H.P.
2. The Deputy Director of Elementary Education Shimla, District Shimla, H.P.
3. Sharda Devi, wife of Sh. Kalam Singh, resident of village Astandli, Post Office Sari, Tehsil Jubbal, District Shimla, H.P.
4. Santosh Kumari, wife of Sh. Surjeet Singh Kaith, resident of village Sharmali, Post office Sungri, Tehsil Rohru District Shimla, H.P.
5. Geeta Devi, daughter of Late Sh. Brahma Nand, resident of Village Bhatwari, Post office Kaloti, Tehsil Rohru District Shimla, H.P.
6. Samundri Devi, wife of Sh. Bishamber Singh, resident of village Bakholi, Post office Jangla, Tehsil Chirgaon and District Shimla, H.P.
7. Jaswant Singh, Son of Sh. Minya Nand, resident of village Lakadhar, Post office Gawas, Tehsil Chirgaon and District Shimla, H.P.
8. Tripta Thakur, wife of Sh. Bharat Singh, resident of Village Parsa, Post office Lower Koti, Tehsil Rohru and District Shimla, HP.
9. Kamaksha, wife of Sh. Virender Singh, resident of village Badiyar, Post office Nandpur, Tehsil Jubbal and District Shimla, H.P.
10. Mandeep Kumar, Son of Sh. Kewal Ram, resident of village and post office Jangla, Tehsil Chirgaon, District Shimla, H.P.
11. Sanjeev, son of Sh. Shyam Lal, resident of village Narain, Post office Sharontha, Tehsil Tikkar, District Shimla, H.P.
12. Mukesh Kumar, son of Late Sh. Basu Dev, resident of village Panu, Post office Lowerkoti, Tehsil Rohru, District Shimla, H.P.
13. Sarita Devi, wife of Sh. Babu Lal, resident of Village and Post office Masli, Tehsil Rohru, District Shimla, H.P.
14. Mahinder Lal Sharma, Son of Sh. Durga Dass Sharma, resident of Sarot, Post office Shailapani (Dochi) Tehsil Jubbal, District Mandi, H.P.
15. Sandhira Devi, wife of Sh. Bhupinder Singh, resident of village Mehana, Post office Dochi, Tehsil Jubbal, District Shimla, H.P.
16. Desh Raj, Son of Late Sh. Prem Chand, resident of village Bhamnoli, Post office Summer kot, Tehsil Rohru, District Shimla, H.P.
17. Om Prakash, son of Late Sh. Shiv Dev, resident of Village Todsa, Tehsil Chirgaoun, District Shimla, H.P.
18. Desh Raj Sharma, son of Sh. Roshan Lal Sharma, resident of village Palkan, Post office and Tehsil Rohru, District Shimla, H.P.
19. Hans Raj, Son of Sh. Pyare Lal, resident of Village Parsa, Post office Lowerkoti, Tehsil Rohru District Shimla, H.P.
20. Kapil Dev, son of Sh. Gopal Ram, resident of village Bhamnoli, Post office Summer kot, Tehsil Rohru, District Shimla, H.P.

21. Suresh Kumar, Address: son of Sh. Keshav Ram, resident of Village Batara, Post office Pujarali No.3, Tehsil Tikker, District Shimla, H.P.
22. Santosh Sharma, D/o Sh. Gian Chand, Resident of Village Battar, Post office Dhadirawat, Tehsil Jubbal, District Shimla, H.P.
23. Amar Kant, son of Sh. Padam Chand, resident of village Batari, Post office Arhal, Tehsil Rohru, District Shimla, H.P.
24. Devinder Singh, son of Sh. B.S. Singh, resident of Village Sharog, Post office Arhal, Tehsil Rohru, District Shimla, H.P.
25. Anil Kumar, S/o Sh. Shankar Dass, R/o Village Rantari, PO Seema, Tehsil Rohru, District Shimla, H.P.
26. Ganesh Dutt, Son of Sh. Surjjan Singh, Resident of village Dhagoli Post office Kainthli Tehsil Chargoan Distt Shimla H.P.
27. Mohinder Singh, Son of Sh. Bhudi Singh, Resident of Village Dalog, Post office Narian, Tehsil Rampur, District Shimla H.P.
28. Om Prakesh, Son of Sh. Bhajan Dass, Resident of Village Thalli, Post office Jangla, Tehsil Chargoan, District Shimla H.P.
29. Narinder Singh, Son of Sh. Gopi Nand, Resident of Village Jagaoti, Post office Kaloti, Tehsil Chargoan, District Shimla H.P.
30. Mohinder Kumar, Son of Sh. Narsingh Dass, Resident of Village Jarind, Post office Dhar Gaura, Tehsil Rampur Distt Shimla H.P.
31. Satish Kumari, Son of Sh. Sant Lal, Resident of Village and Post Office Baggi, Tehsil Kotkhai, District Shimla H.P.
32. Santosh Kumari, wife of Sh. Chaman Lal, Resident of Village Gajyani, Post office Sandasali, Tehsil Chirgoan, District Shimla H.P.
33. Desh Raj, Son of Sh. Charan Dass, resident of Village Barla, Post office Bachhunch, Tehsil Rohru, District Shimla, H.P.
34. Guard File.




DIRECTOR