

No. EDN-H(2)B(2)7523/2023-CC
Directorate of Elementary Education,
Himachal Pradesh.

Dated: Shimla-171001, the August, 2024

In the matter of CWP No. 7523/2023 titled as Subhash Chand Vs State of H.P. & ors decided on 10.10.2023.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
27 AUG 2024
शिमला-1

ORDER

Whereas, CWP No. 7523/2023 titled as Subhash Chand 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 10.10.2023 when after hearing the matter the Hon'ble High Court has passed the following orders/judgment:-

“Consequently, in view of the above, present petition is disposed of with a direction to the respondents to consider and decide the case of the petitioners in the light of Jagdish Chand and Oma vati supra, within a period of four weeks. Needless to say authority concerned . while doing the needful in terms of this order shall afford opportunity of hearing to the petitioners to file appropriate proceedings in the appropriate court of law, if they still remain aggrieved.

The petition stands disposed of in the afore terms alongwith all pending applications”

Whereas, after thorough examination of the case of the petitioner it is found that the petitioners were appointed as TGT 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 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 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 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(ElE)E-IV-JBT/Court Case/3298/2021)2024-9796-9802 dated 26.06.2024.

Now, therefore, the petitioners of the present petition who were initially appointed on contractual basis against the post of TGTs ~~is~~ 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	Subhash Chand son of resident of village and post Office and Tehsil Baldwara District Mandi H.P. presently working as lecturer of Physics at GSSS Phangwas Tehsil Sunder Nagar District Mandi H.P. aged about 52 years old.	20.06.1971	03.08.1998	01.01.2007
2	Chaman Lal son of Sh. Khazana Ram resident of village and post Office Bachhwan Tehsil Baldwara District Mandi H.P. presently working as lecturer of History at GSSS Bagi Bhanwas Post Office Somnachni Tehsil Bali Chowki District Mandi H.P.	29.04.1969	24.06.1998	01.01.2007
3	Birbal son of Sh. Durga Singh resident of village Jolplakhin post Office Kuthera Tehsil Ghumarwin District Bilaspur H.P. aged about 55 years presently working as TGT at GMS Churari u/c Hawan District Bilapur H.P.	28.05.1968	10.06.1998	01.01.2007

4	Kamlesh Kumar son of Late Sh. Rikhi Ram Chandel resident of ward no. 7 Near Naina Mata Mandir village Dabrog post Office and Tehsil Sarkaghat District Mandi H.P. presently working as lecturer of commerce subject and posted at GBSSS Summer Hill District Shimla H.P	27.07.1973	25.03.1998	01.01.2007
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— *ed* —
 Director Elementary Education,
 Himachal Pradesh, Shimla-I
 August, 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. All the Deputy Directors of Higher/Elementary Education concerned in 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. **Individual concerned.**
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

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
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W
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 Himachal Pradesh, Shimla-I