

No. EDN(Ele)-H(2)B(8) 15/2015(leave)

Directorate of Elementary Education.

Himachal Pradesh.

Dated: Shimla-171001, October, 2024.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

03 OCT 2024

**In the matter of CWP No. 3900 of 2024 - Sheela Machhan मिला-1
& Others Vs. State of H.P. & others decided on 09.05.2024.**

ORDER.

Whereas, Smt. Sheela Machhan & Others have filed the CWP No. 3900/2024 titled as Smt. Sheela Machhan & Others vs State of H.P. & ors. in the Hon'ble High Court of H.P. whereof the operative part of the judgment is as under:

2. The petitions are 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. 5043 of 2022, titled as, Sunita Sangroli vs. State of H.P. & others on 8.8.2023, within eight weeks from today and will decide the same by passing a speaking order. In case, the petitioners are found similarly situated as petitioner in above mentioned judgment, they will also be granted the same benefits as granted to petitioner in above referred case. Pending miscellaneous application, if any, also stand disposed of.

Whereas, after perusal of record it is found that contract appointments were made in the Education Department as per Government policy dated 23.08.1994 and later on their services were regularized after 08 years of continuous service as per Government approval. But some of contractual employees were retrenched due to joining of regular hand hence junior contractual employees were regularized in the department earlier and senior later as "last come first go" Principle was not followed while terminating their contract service. Such retrenches either were re-engaged in the department on contract basis or they were given preference order Para Teacher Policy notified by the Government in the year 2003 and they were hired under Para Teacher policy and regularized after completion of 10 years of continuous service in the year 2014 and 2015.

And whereas, Petitioners were also the retrenched contractual TGTs who were initially engaged on contract basis from the year 1996 to 1999 and whose services were terminated due to joining of regular teachers. Later on they were also hired/engaged as TGT(Arts) under Para Teacher Policy, 2003. The Department has allowed the benefit of regularization to those

contractual TGTs whose services were terminated due to joining of regular teacher and who were later on hired under Para Teacher Policy, 2003 vide office order No. EDN-H(2)B(2)35/20241-Para Teacher dated 23.02.2022, 30.08.2022, 14.03.2024 and 19.03.2024 by condoning their break period from the date when the services of their counterparts were regularized i.e. w.e.f. 20.12.1988, 01.01.2005, 01.01.2006, 01.01.2007, 20.12.2008.

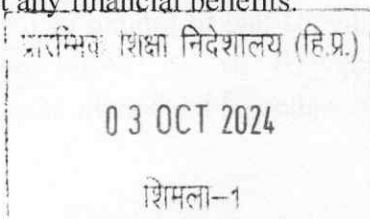
Whereas, Smt. Sunita Sangroli in CWP No. 5043/22 was appointed as a temporary measure on "Contract Basis" and joined on 01.07.1997. Her services were terminated on 31.12.98 due to joining of regular incumbent. Her services were regularized by the Department vide office order dated 27.07.2010. Thereafter her services were re-engaged again on contract basis and she joined as such on 10.12.2001. Thereafter, the services of Smt. Sunita Sangroli lecturer, History is hereby regularized w.e.f. 01.01.2006 instead of 27.07.2010 by considering the initial contract engagement with all consequential benefits.

Whereas Smt. Sunita Sangroli has filed CWP No. 5043/2022 in the Hon'ble High Court sought relief thereby all consequential benefits, the operative part of the judgment in reproduced benefits are below

13. In result, the petition is allowed. Office memorandum dated 06.07.2020 (Annexure P-7), is quashed and set aside. Respondents are directed to grant benefit of earned leave to the petitioner from the initial date of contract appointment i.e. 25.06.1997 within eight weeks from today.

Hence, in view of the facts and as directed vide letter No. EDUC-E05/25/2024 dated 27.09.2024 that such similar situated cases may be decided by Department at their own level, as per the directions conveyed to Director of Higher Education vide letter No. letter No. EDN-B-E(3)-4/2024, dated 01.08.2024 in compliance of CWP No. 5043 of 2022 titled as Sunita Sangroli vs State of HP & others and whereas the Govt. has directed to implement the order of Hon'ble High Court and credit the earned leave in the account of petitioners i.e. Sheela Machhan & Others (in CWP No. 3900/2024) along with other similarly situated petitioners with effect from initial date of their regularization without any financial benefits.

Therefore the petitioners in the present petitioners (Sheela Machhan & Others in CWP No. 3900/2024) are similarly situated to Smt. Sunita Sangroli (CWP No. 5043/2022) and hence entitled for the same benefits which was released to Smt. Sunita Sangroli from initial date of regularization without any financial benefits.



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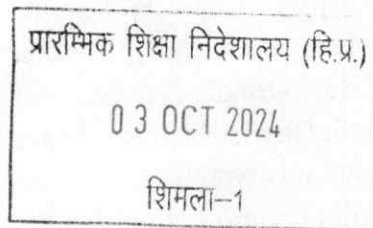
DIRECTOR

Endst. No. Even Dated Shimla-171001, the September, 2024.

Copy to:-

1. The District Attorney Directorate of Elementary Education H.P. with Ref. to U.O. letter No. EDN-H(18)LC-595/2024- SML, dated: 12.06.2024 for kind information and taking further necessary action in the matter please.
2. The Deputy Director Elementary Education Shimla, District Shimla H.P. for further necessary action in the matter please.
3. The Deputy Director Elementary Education Solan, District Solan H.P. for further necessary action in the matter please.
4. The Deputy Director Elementary Education Mandi, District Mandi, H.P. for further necessary action in the matter please.
5. The Deputy Director Elementary Education Chamba, District Chamba, H.P. for further necessary action in the matter please.
6. The Deputy Director Elementary Education Kangra at Dharmshala, District Kangra, H.P. for further necessary action in the matter please.
7. The Deputy Director Elementary Education Kullu, District Kullu, H.P. for further necessary action in the matter please.
8. SHEELA MACHHAN W/o Sh. Ashok Machhan, Aged 53. years, R/o Village and Post Office Kutara, Tehsil Rohru, District Shimla, (H.P.), presently working as Trained Graduate Teacher (Arts) at GSSS Kutara, Tehsil Rohru, District Shimla, (H.P.)
9. Smt. Nisha Devi, W/o Sh. Gian Chand, Aged 53 years, R/o Village Nagrot Post Office Narkanda, District Shimla, Himachal Pradesh. Presently working as Trained Graduate Teacher (Arts) in GSSS Dhalli, District Shimla (H.P.)
10. Smt. Vandana Sharma W/o Late Sh. Ravinder Nath Sharma, Aged 52 years, R/o 2A/B-2 Dharampur Colony near GPS School Pinjore, Tehsil Panchkula Haryana. Presently working as Trained Graduate Teacher (Medical) at Government High School U/C GSSS Pratha, District Solan (H.P.)
11. Sh. Ashwani Kumar S/o Shri Satish kumar, Aged 53 years, R/o Village Chharal Post Office Talwara, Tehsil Ghumarwin District Bilaspur (H.P)., Presently working as TGT (Arts) at GMS Bhatar Chowki U/C GSSS Trifalghat, District Mandi, Himachal Pradesh.
12. Sh. Rajeev Kumar, S/o Shri Nathu Ram, Aged 52 years, R/o Village and Post Office Rajnagar, Tehsil and District Chamba (H.P)., Presently working as TGT (Medical) at GSSS Rajnagar, District Chamba, Himachal Pradesh.
13. Sh. Karam Singh, S/o Sh Budhi Singh, Aged 52 years, R/o Village Hathni Post Office Srangani, Tehsil Salooni, District Chamba, Himachal Pradesh, Presently working as TGT (Non-Medical) at Government High School Bhandar U/C GSSS Manjeer, Tehsil Salooni, District Chamba, Himachal Pradesh.

14. Smt. Kiran Chauhan, W/o Shri Rajinder Sekhri, Aged 53 years, R/o Mohalla Sapri near Narsingh Temple, (H.P.), Presently working as TGT (Arts) at GSSS Karian, District Chamba, Himachal Pradesh.
15. Sh. Roshan Lal, S/o Late Shri Jai Singh, Aged 5 years, R/o Village Gulhari, Post Office Kanda, Tehsil Kasauli, District Solan, Himachal Pradesh, Presently working as TGT (Non-Medical) at Government Middle School Kadon, U/c GSSS Dagshai, District Solan, Himachal Pradesh.
16. Sh. Rajesh Bandral, S/o Shri Onkar Singh, Aged 53 years, R/ Village Gagwal, Post Office Bhadroya, Tehsil Indora, District Kangra, Himachal Pradesh, Presently working as TGT (Arts) at GSSS Lodhwan, District Kangra, Himachal Pradesh.
17. Sh. Sanjay Mahajan, S/o Shri Madan Lal, Aged years, R/o Ward No. 4, Chowari Tehsil and District Chamba (H.P.), Presently working as TGT (Non- Medical) at GSSS Parchhore, District Chamba, Himachal Pradesh.
18. Sh. Rajender Kumar, S/o Shri Karam Chand, Aged years, R/o Village. and Post Office Jandrog, Tehsil Bhattiyat District Chamba (H.P.), Presently working as TGT (NM) at GMS Cheon U/C GSSS Dadriara, District Chamba, Himachal Pradesh.
19. Smt. Lajja Gupta, W/o Shri Kamlesh Gupta, Aged 53 years, R/o Village and Post Office Arki, Tehsil Arki, District Solan (H.P.), Presently working as TGT (Arts) at GHS Kotli, District Solan, Himachal Pradesh.
20. Smt. Shanti Swaroop, S/o Shri Faqir Chand Aged 53 years, R/o Village and Post Office Tandi, Tehsil Anni, District Kullu, Himachal Pradesh, presently working as TGT (Non-Medical) at Government Middle School Nigan U/C GMSSS Anni, Tehsil Anni, District Kullu, Himachal Pradesh.
21. Sh. Sanjay Kumar Sharma S/o Late Shri Lal Chand Sharma Aged years, R/o Village Fangota Post Office Khawara Tehsil Nurpur District Kangra (H.P.), Presently working as TGT (Non-Medical) at Government Middle School Solta U/C GMSSS Chowari, Tehsil Bhattiyat District Chamba, Himachal Pradesh.
22. Concerned Principal/DDO/Headmaster/Incharge of GSSS /GHS /GMS of H.P. are hereby directed to credit the earned leave in the account of petitioner with effect from initial date of their regularization without any financial benefits and hereby directed to make the necessary entry in Service book under intimation to this Directorate.
23. Nodal Officer (IT) Internal.
24. Guard File.




DIRECTOR