

No:EDN-H(2)B(2)9061/2022---CC
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001the September, 2024

ORDER

Whereas, CWP No. 9061/2022 titled as Rajeev Kaundal and others Vs State of H.P. and ors the Hon'ble High court has passed the following orders/judgments:-

“As the prayer so made is innocuous one, therefore, without expressing any opinion on the merit of the case, this petition is disposed of with the direction that the case of the petitioners be considered in light of the adjudication made by the Hon'ble Division bench Bench in the case mentioned hereinabove within a period of eight weeks from today, by adhering to the principles of natural justice. Pending miscellaneous application(s), if any, also stand disposed of accordingly.”

Whereas, in view of the order of the Hon'ble High Court of H.P. the case of the petitioners is examined thoroughly and it is revealed that during 2002, the Department placed requisition to HPSSSB Hamirpur to fill-up 224 posts of TGT (Arts), 247 posts of TGT (NM) and 273 posts of TGT (Medical) on regular basis. In response to the Department requisition, the Secretary, HPSSSB, Hamirpur after completion of all codal formalities recommended the selection list of TGT NM & Medical vide letter No.HPSSSB-B(2)258/2002-3533 dated 10.12.2002 & No.HPSSSB-B(2)259/2002-3532 dated 10.12.2002. The name of the petitioners were also in the recommendation list of TGT Medical. The Recommendation of TGT (Arts) was not received as the personal interview was not held by the Secretary, HPSSSB, Hamirpur at that time. Thereafter, whole process of appointment and interview was stopped due to vigilance inquiry and as per Government instructions issued vide letter No PER(AP-C)B(19)-1/2003 dated 13-03-2003. Later on, the Govt. vide its letter No: Shiksha-II-kha (1)3/98-Loose dated 28.8.08 & 30.7.09 accorded approval to appoint TGT Medical and TGT Non-Medical purely on contract basis as recommended by the HPSSSB, Hamirpur in the year of 2002 and accordingly the Department offered appointment to the eligible candidates as well as petitioners as TGT (Medical) & TGT (NM) purely on contract basis on 07.10.2008 & 24.08.2009 respectively. **The selection process for the post of TGT Arts was not completed by HPSSSB, Hamirpur in the year of 2002 as the interview process was not started by HPSSSB, Hamirpur in the year of 2002 and the same was completed in the year of 2012 as per order of the Hon'ble High Court of H.P. passed in CWP No: 3513/2009—Manoj Kumar Vs State of H.P. and others dated 03.08.2010 from the stage it was stopped.** In compliance of the High Court orders the Secretary, HPSSSB Hamirpur recommended the selection list of 219 candidates of TGT (A) vide letter No. HP.SSSB-B(2)-257/2002-40499 dated 17.10.2011. Thereafter, as per approval conveyed by the Government vide letter No. Shiksha-II-kha(1)3/98-Vol-II dated 16.2.2012, appointment was offered by the Department to the selected candidates as well as petitioners vide office order No. EDN-H(2)B(2)6/2011-Arts-HPSSSB dated 21.02.2012.

Whereas, later on as per approval conveyed by the Government vide letter No. EDN-C-E(5)4/2015 dated 05-11-2016 issued in compliance to the order of the

Hon'ble High Court passed in CWP No. 1811/2008 dated 14.11.2011, all the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur in the year of 2002 & 2012 on the basis of requisition of 2002 were considered deemed regular employees of the State Government from the date of their initial appointment on contract basis by the Department vide letter No. EDN-H(2)B(2)4273/12—CC dated 07-11-2016 & 31.03.2017 and arrears of financial benefits was not granted to them as per order of the Hon'ble Supreme court passed in Special Leave to Appeal (C).....CC No(s)1171/2017 on dated 24.03.2017. Seniority has also been given to them on notional basis from the date of their initial appointment on contract basis as directed by the Hon'ble High Court of H.P. in CWP No. 1811/2011 titled as Dev Raj Vs State of H.P. & Others.

Whereas, feeling aggrieved from this Department office order No.EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 vide which seniority numbers were allotted to the appointees of 2008, 2009 & 2012 selected through HPSSSB, Hamirpur on the basis of requisition of 2002, Sh. Satish Kumar & five others filed O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & others in the Hon'ble H.P. Administrative Tribunal for the following relief:-

- a) Quash the impugned Office orders dated 05.04.2018 (Annexure A-14 and 15) being arbitrary, malafide and illegal;
- b) Direct the respondents to deem the applicant to have been appointed from the year 2002 with all consequential benefits for all purposes and intents alongwith arrears fo salary etc with interest thereon @ 18% pa till date;

Whereas, the above said original application was later on transferred to the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. on dated 27.11.2021 in CWPOA No. 3435/2020 titled as Satish Kumar & others and State of H.P. & others quashed this Directorate office order No. EDN-H(2)B(9)-4/2018-TGT Final Sty dated 05.04.2018 and ordered that **"the petitioner shall be deemed to be appointed on 1st may, 2003, alongwith all consequential benefits."**

Whereas the Department has implemented the judgment passed in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar & other and State of H.P. & ors vide office order No.EDN-H(2)B(2)3435/2020---CC dated 29.4.2023, 12.10.2023 & 22.02.2024 and the petitioners who were selected through HPSSSB, Hamirpur in the year of 2002 & 2012 have been considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors., However, as per order passed by the Ho'ble High Court of H.P. in COPC No. 207 of 2022 in CWPOA No. 3435/2020 in O.A. No. 3001/2018 titled as Satish Kumar Vs State of H.P. & Ors dated 19.09.2023 the petitioners have been granted notional increment from the deemed date of their appointment and no monetary benefits are granted to the petitioners from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment as such the petitioners have not worked on the posts.

Whereas, the Government vide letter No. EDN-C-E(4)2/2019-L dated 21.06.2024 has conveyed the approval to implement the order of the Hon'ble High Court of H.P. in similar situated matters, on case to case basis on the analogy of main case of CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P. subject to the final outcome of further legal remedy.

In view of above facts and circumstances, the case of the petitioners is similarly situated to the petitioners in CWPOA No. 3435/2020 titled as Satish Kumar & Ors Vs State of H.P, therefore, the petitioners are hereby considered deemed appointed on regular basis in the pay scale of 5480-8925 w.e.f. 01.05.2003 alongwith all consequential benefits subject to final outcome of SLP(C) Diary No. 22215/2022 titled as the State of Himachal Pradesh & Anr. Vs Satish Kumar & Ors. The petitioners are entitled for notional increment from the deemed date of their appointment, however, since the petitioners have not worked on the posts, therefore, the petitioners are not entitled to any monetary benefits from the deemed date of their appointments i.e. 01.05.2003 to till their actual date of initial appointment. However the monetary benefits is restricted to three years prior to filing of the writ petition. The detail of the petitioners is as under:-

Sr. No.	Name & Address	Subject	D.O.A.
1.	Ranjit Singh S/O Sh. Durga Dass, Vill Katoh P.O.Trifalghat, Tehsil. Sarkaghat , Mandi 175034	NM	24.08.2009
2.	Mahender Pal Shārma S/O Late Sh. Laxmi Chand Shastri Kunj Gwalthi P.O.Brikhmani Mandi 175027	NM	24.08.2009
3.	Revti Raman S/O Sh. Rattan Chand VPO Lathani, Teh. Bangna , Una 174308.	NM	24.08.2009
4.	Rajiv Kumar S/O Sh. Jagdish Chand, VPO Samtana, Tehsil, Barsar Distt. Hamirpur 176042	NM	24.08.2009
5.	Alok Singh S/O Sh. Kuldeep Singh Vill Gharun P.O. Dohag Teh. Dehra Distt. Kangra 176029	NM	24.08.2009
6.	Ravinder Singh S/O Sh. Purshotam Chand, VPO Lahla, Teh. Palampur, Distt. Kangra 176059	NM	24.08.2009
7.	Rakesh Sharma S/O Sh. Banwari Lal Sharma VPO Matroo Teh. Joginder Nagar Distt. Mandi 175032.	NM	24.08.2009
8.	Sushil Kumar S/O Sh. Mohan Singh Vill Pantehar P.O. Golwan Tehsil Lad Bharol, Distt. Mandi 175032	NM	24.08.2009
9.	Anil Kumar S/O Sh. Balkoo Ram Vill. Palahi P.O. Bhareri Teh. Bhoranj , Hamirpur 177024	NM	24.08.2009
10.	Neelam d/O Sh.Krishan Lal W/O Sh. Balwant Kumar Vill.Baleta P.O. Sanahi Distt.Hamirpur 177040	NM	24.08.2009
11.	Ravi Kumar S/O Sh. Tara Chand Vill Churtha P.O. Nerti, Teh. Shahpur, Kangra 176208	NM	24.08.2009
12.	Swaroop Singh S/O Sh. Milkhi Ram VPO. Durgella Teh. Shahpur, Kangra 176206	NM	24.08.2009
13.	Ravinder Singh S/O Sh. Karnail Singh Vill Siholpuri P.O & Teh. Shahpur, Kangra 176206	NM	24.08.2009
14.	Anita Kumari D/O Sh.Prem Singh Vill. Lanjet P.O. Basnoor Tehsil Shahpur Distt. Kangra 176208	NM	24.08.2009
15.	Pankaj Gupta S/O Sh. Ramesh Chand Gupta VPO Dari Teh. Dharamsala Distt. Kangra 176057	NM	24.08.2009
16.	Sanjeev Kumar S/O Sh. Krishan Chand, Vill Lakra, PO Bandla, Chamba-176311	NM	24.08.2009
17.	Sudhir Chand S/O Sh. Karam Chand H.No. 131-C Sadar Bazar , Dalhousie , Chamba 176304	NM	24.08.2009
18.	Anil Kumar S/O Sh. Gian Chand, Vill Bhaleli P.O. Khajjiar, Chamba	NM	24.08.2009

19.	Karam Chand S/O Sh. Madho Ram Vill Chinwas, P.O Ganed Tehsil Churah, Chamba 176316	NM	24.08.2009
20.	Vinod Kumar S/O Sh. Raj Kumar Vill Chakrol P.O. Gagruhi Teh. Dehra , Kangra	NM	24.08.2009
21.	Chain Lal S/O Sh. Panchhi, Vill. Salan P.O. Moda, Teh. Salooni Chamba 176312	NM	24.08.2009
22.	Rajesh Kumar s/o Sh. Kundan Lal VPO Basdehra, Una 174315	NM	24.08.2009
23.	Rajesh Kumar Chaudhry S/O Sh. Jagdish Ram Chaudary VPO Arnwal via Bharwain, Teh. Amb , Una 177109	NM	24.08.2009
24.	Sunita Devi D/O Sh. Madan lal VPO Takka Teh.&Distt. Una 174303	NM	24.08.2009
25.	Surender Thakur S/O Sh. Fateh Singh Thakur R/O Kamlahi Kunj New Colony P.O.J.Nagar (Mandi) 176120	NM	24.08.2009
26.	Ravi Raj S/O Sh. Sher Singh Vill Nagan P.O. Chaunthra, Teh. J.Nagar Distt. Mandi 175082	NM	24.08.2009
27.	Bhag Chand S/O Sh. Sant Ram Vill Bhadyar P.O. Pali Teh. Padhar Distt. Mandi 175001	NM	24.08.2009
28.	Shalini Mishra D/O Sh. Surinder Kumar M/s Ganga Ram & Sons P.O Sunder Nagar-II , Mandi 175002	NM	24.08.2009
29.	Renu D/O Sh. Hem Chand C/O Rup Lal Gupta, Vill. Bhour P.O. Kanaid Tehsil Sunder Nagar Distt. Mandi 175137	NM	24.08.2009
30.	Kamal Kumar S/O Sh. Salig Ram Vill Mandlohu P.O. Kothipura, Bilaspur 174001	NM	24.08.2009
31.	Deena Nath S/O Sh. Durga Ram, Vill Palasla P.O. Kaphra, Teh. Ghumarwin Bilaspur, 174029	NM	24.08.2009
32.	Anjana Kumari D/O Sh. Shalig Ram Vill. Karanguhi, P.O. Panthera Distt. Bilaspur. 174028	NM	24.08.2009
33.	Navdeep Kumar S/O Sh. Om Paraksh, Vill Surajpur NH 73, P.O. Puruwala Kanshipur, via Nahan (Sirmour) 173001	NM	24.08.2009
34.	Gumat Ram S/O Sh. Tek Ram, Vill Shadnal P.O. Chanon, Teh. Banjar, Kullu 175123.	NM	24.08.2009
35.	Mahender Pall S/O Sh. Neet Ram Vill Darog P.O. Ghatoo, Teh. Nirmand, Kullu 172023.	NM	24.08.2009
36.	Ashwani Kumar S/O Sh. Ajit Kumar, Vill Jharmani, P.O. Galore , Nadaun , Hamirpur, 177026	NM	24.08.2009
37.	Suman Kumar S/O Sh. Gian Chand, Rana H.No. 88 , w-4 Hamirpur 177001	NM	24.08.2009
38.	Sanjay Kumar S/O Sh. Rikhi Ram Sharma Vill Pandher P.O. Thatwani Distt. Hamirpur 177501	NM	24.08.2009
39.	Jagjeet Singh S/O Sh. Hari Singh Vill. Saryana P.O. Dandhwin Teh. Barsar Distt. Hamirpur 176040	NM	24.08.2009
40.	Madan Lal S/O Sh. Hem raj VPO Ladraur Teh. Bhoranj Distt. Hamirpur. 176043	NM	24.08.2009
41.	Karun Singh S/O Sh. Parkash Chand Vill Gharayana Bhramna P.O. Chowki Jamwalan, Hamirpur 177020	NM	24.08.2009
42.	Vinod Kumar S/O Sh. Pan Chand Vill. Narsin P.O. Kakrial, Hamirpur 177001	NM	24.08.2009
43.	Anjali Pathania D/O Sh. Rishi Dev Thakur H.No.8 Ward No.1 Hira Nagar, Hamirpur 177001	NM	24.08.2009
44.	Vidya Prakash S/O Sh. Khoob Ram, Vill. Chalhar P.O. Pujali Teh. Banjar, Kullu 175123	NM	24.08.2009
45.	Vandana Bhardwaj D/O Sh Ashok Kumar Bhardwaj, VPO Nerhan Pukhar Teh. Dehra Kangra	NM	24.08.2009

46.	Rajiv Kaundal S/O Sh. Sh. Ishwar Dass Kaundal, Vill Panjali, P.O. Majog Sultani, Hamirpur-177020	NM	24.08.2009
47.	Subhash Chand Sharma S/O Sh. Sohan Lal Sharma Vill Gudhwin P.O.Bhukkar, Teh..Bhoranj, Hamirpur 177024	NM	24.08.2009
48.	Santosh Kumar S/O Sh. Sukh Lal, Vill Sulhari P.O. Kulhera Teh. Barsar, Hamirpur	NM	24.08.2009

The concerned Principal/Headmaster/Incharge of GSSS/GHS/GMS of H.P. is further directed that consequential benefits regarding monetary benefits qua the petitioners shall be released as per the instructions issued by the Finance Department H.P. vide letter No. Fin-E-I-C(17)-6/08 dated 31.07.2024 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. May inform the parties accordingly.

— 21 —
Director Elementary Education,
Himachal Pradesh.
September, 2024

EndstNo:Even

Dated:-

Copy forwarded for information and n/a to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. letter No. EDN-C-E(4)2/2019-L dated 21.06.2024.
2. The District Attorney, Directorate of Elementary Education H.P. Shimla-01 w.r.t. CWPOA Ibid.
3. All the Dy. Directors of Elementary/Higher Education of H.P.
4. The concerned Treasury Officer of HP.
5. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. where petitioner is presently working with the direction to send the compliance report to this Directorate immediately.
6. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
7. The concerned petitioner.
8. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
9. Guard file.

M
Director Elementary Education
Himachal Pradesh.

