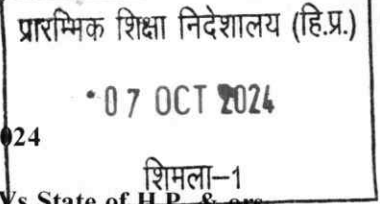


No. EDN-H(2)B(2)7523/2023-CC
Directorate of Elementary Education,
Himachal Pradesh.

Dated: Shimla-171001, the October, 2024



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

ORDER

In continuation of this Directorate office order of Even No. dated 27.08.2024 vide which the detailed speaking order has been issued in CWP No. 7523/2023 titled as Subhash Chand & ors. Vs State of HP& ors. and the petitioners of the above cited petition, who were initially appointed on contractual basis against the post of TGTs was 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. The monetary benefits, however was restricted to three years prior to filing of the writ petition.

In CWP No. 6737 of 2021 titled as Bant Ram and others V/s State of H.P. and others decided on 13.05.2024, the Hon'ble High Court of H.P. in para No. 5 of the judgment/order has observed as order:-

“As far as the prayer of some of the petitioners for grant of annual increment for service rendered on contract basis is concerned, this court is rejecting this prayer in view of the judgment passed by the Hon'ble Supreme Court in state of H.P. & another V/s Sheela Devi SLP (C)10399 of 2020 wherein in para 9, Hon'ble Superme Court has been pleased to categorically hold that “it is only for the purpose of pension that the past service as a contractual employee is to be taken in to account.”


Further in CWP No. 2130 of 2021 titled as Narayan Dutt Sharma and others V/s State of H.P. & others decided on 12.09.2024, the Hon'ble High Court of H.P. has categorically held in para No. 6 that Jagdish Chand's case had been disposed of by the Apex Court in terms of Sheela Devi, therefore relief can only be extended the petitioners in terms of Sheela Devi's case.

At the back drop of above discussion, it is amply clear and candid that no other benefit except counting the contract service for the purpose of pensionary benefit was granted in Sheela Devi Case.

In view of the above, since SLP(C) No. 8012-8013 of 2021 were tagged with SLP(C) No. 10399/2020 i.e. State of H.P. & others Vs Sheela Devi and the Hon'ble Apex Court vide judgment dated 07.08.2023 and 31.10.2023 disposed of the SLP(C) No. 10399/2020. However, in this order SLP(C) No. 8012-8013/2021 were permitted to be withdrawn at the request of the Ld. Counsel of the petitioners. Thereafter, State of H.P. filed Miscellaneous application Diary No. 40148 of 2023 before the Hon'ble Apex Court and the same was allowed/disposed of by the Hon'ble Court and consequently

SLP(C) No. 8012-8013/2021 which were dismissed as withdrawn were restored and same were disposed of in terms of Civil Appeal No. 5148/2023, meaning thereby that only the relief of counting the contract service for pensionary benefit was granted and further no relief qua granting benefit of annual increment was granted by the Hon'ble Apex Court. Accordingly, in Sheela Devi's case, the Govt. of H.P. Finance(Pension)Department vide OM No. Fin(Pen)E(I)-I/2020, dated 10th June 2024 has issued directions to count the contractual service followed by regular appointment on same post by way of "Regularization Policy" of the Government for pensionary benefits under the CCS(Pension)Rules, 1972.

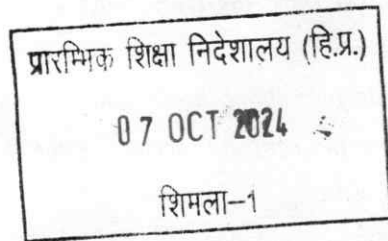
Now, therefore keeing in view of the above, the petitioners of the present petition who were initially appointed on contractual basis against the post of TGTs is hereby granted the benefit of counting of their services on contract basis followed by regular appointment for the purpose of pensionary benefits under CCS (Pension) Rules, 1972 and entry in this regard may also be made in the service book of the petitioners.



Director Elementary Education,
Himachal Pradesh.

Endst. No. Even Dated: Shimla-01, the October, 2024

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 petitioners on contractual basis against the post of TGTs is followed by regular appointment to the post of TGTs.**
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.




Director Elementary Education,
Himachal Pradesh, Shimla-I