

EDN-H(2)B(2)2298/2023-CC  
Directorate of Elementary Education,  
Himachal Pradesh.

Dated: Shimla-171001, the October, 2024

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)  
14 OCT 2024  
शिमला-1

To

The Deputy Director of Elementary Education  
Mandi/Shimla/Kangra in HP

Subject:

In the matter of CWP No. 2298/2023 titled as Devinder Singh  
and others Vs State of H.P. and ors decided on 20.03.2024.

Memo,


Your attention is invited to this Directorate office order of Even No. dated 03.07.2024 vide which the detailed speaking order has been issued in CWP No. 2298/2024 titled as Devinder Singh & ors. Vs State of HP& ors. vide which the petitioners of the above cited petition, were 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.

Meanwhile, the petitioners in CWP No. 2298/2024 have filed COPC No. 386/2024 in the Hon'ble court titled as Davinder Singh & Ors Vs Rakesh Kanwar & Anr in which *the Hon'ble High Court of H.P.* para No. 4 & 5 of the judgment/order has observed as order:-

**"4. While deciding several executions and contempt petitions, it has come to the notice of this Court that the aforesaid instructions of the Finance Department are routinely and casually mentioned by the Administrative departments in the Consideration Orders and otherwise also are being applied for restricting grant of monetary benefits and also to release the monetary benefits to the employees in piecemeal. Instruction of the Finance Department cannot be mechanically applied as a tool for defying the implementation of the Court judgements/orders in letter and spirit, wherein no restriction to pay the monetary benefits by installments have been imposed. No authority is vested either with the Finance Department or the Administrative Departments to sit over specific judgements passed by the Courts and to order release of monetary benefits in installments.**

**5. Since the above extracted instructions of the Finance Department are being invariably, casually and mechanically mentioned & followed by the concerned Administrative departments for releasing the monetary benefits to the successful employees in installments, thereby practically sitting over the Court judgments/orders, let a competent Officer of the Finance Department to remain present in the Court for assistance on the next date."**


Now, therefore keeping in view of the above, 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(copy enclosed). However, the pay arrear of the new pay scale shall be released as per Finance Department instructions issued vide letter No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022 and **send the compliance report to this Directorate within two days positively as the said COPC will be listed before Hon'ble court very shortly for compliance.**

  
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/Headmaster 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 and send the c**
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