

No:EDN-H(2)B(2)3820/2024---CC
Directorate of Elementary Education,
Himachal Pradesh Lal Pani Shimla-01.

Dated Shimla-171001 the October, 2024

ORDER

Whereas, CWP No. 3820/2024 titled as Neeraj Kumar Vs state of HP and another, the Hon'ble High court has passed the following orders/judgments:-

3. "Accordingly, the petition is disposed of without making any comments on the merits of the case of the petitioner. It is directed that respondents shall consider the case of the petitioner in light of judgment passed by the Division Bench of this Court in CWPOA No. 3435 of 2020, titled as Satish Kumar & Ors Vs State of HP & Anr., within eight weeks from today and will decide the same by passing a speaking order. In case, the petitioner is found similarly situated as petitioners in Satish Kumar's case(supra), he shall also be granted the same benefits as granted to petitioner in above referred case."

4. Pending miscellaneous application(s), if any, also stand disposed of.

Whereas, CWP No. 2069 of 2020 titled as Abhishek Dohroo & another Vs State of HP & Others, the Hon'ble High court has passed the following orders/judgments:-

"As the prayer so made is innocuous one, 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 adjudication made by Hon'ble Division Bench in the case mentioned herein above 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 29.04.2023, 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 Hon'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. The detail of the petitioners is as under:-

Sr. No.	Case No.	Name and address of the petitioner	Sub.
1	CWP No. 3820/2024	Neeraj Kumar S/o Sh. Dharam Chand, aged about 46 years, V and PO, Sehwan, Teh, Shahpur, Distt, Kangra, HP	Med
2.	CWP No. 2069/2020	Abhishek Dohroo, Son Of Sh. R.K. Dohroo, R/O Vill. Aima, Po Palampur, Distt. Kangra Hp Presently Working As Tgt Non Medical Gss Bundla, Po And Tehsil Palampur Dist. Kangra Hp	NM
3.	CWP No. 2069/2020	Vijay Kumar, S/O Sh. Chet Ram, R/o VPO Darwar, Distt. Mandi HP, Presently working as TGT Non Medical, GMS Kanyana, U/c GSSS Bhadarwar, Distt. Mandi HP.	NM

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(PR)-B(7)-16/98-III (Agriculture) dated 15.12.2011, letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012 & 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.

Director Elementary Education
Himachal Pradesh.

EndstNo:Even

Dated:- October, 2024

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. The concerned 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.

Director Elementary Education
Himachal Pradesh.

