

No:EDN-H(2)B(2)54/2013-CC
Directorate of Elementary Education,
Himachal Pradesh Lalpani Shimla-1.

Dated Shimla-the 171001 the November, 2024

OFFICE ORDER

Whereas, in the year of 2008 the Government conveyed the approval to fill up 4568 posts of TGTs on contract basis vide letter No. EDN-C-B(15)6/2007-Loose dated 16.06.2008 and the Department, accordingly, advertised the posts purely on contract basis through batchwise basis vide requisition No. EDN-H(2)B(2)3/2008-Requisition dated 27.06.2008 and requisitions were also sent to the Secretary, H.P. Subordinate Services Selection Board, Hamirpur, Director, Ex-servicemen Employment Cell, Hamirpur, Physically Handicapped Cell H.P., and Director, Sports Cell, H.P. vide requisition No. EDN-H(2)B(2)3/2008-Requisition dated 27.06.2008 & 14.07.2008 to fill up the posts of TGTs purely on contract basis, however, the specific amendment related to contract appointment was inserted in the R&P Rules, of TGTs on dated 22.10.2009 and prior to this, in the R&P Rules of TGTs provision of regular appointment was in vogue. In response to the Department requisition No. EDN-H(2)B(2)3/2008-Requisition dated 14.07.2008, Director, Ex-servicemen Cell, Hamirpur, vide letter No.DSW/Emp(Ex-Cell)OC-19/2008 dated 27.08.2008 & 20.09.2008, No.DSW/Emp(Ex-Cell)OC-20/2008 dated 27.08.2008 & 20.09.2008 and No.DSW/Emp(Ex-Cell)OC-18/2008 dated 19.11.2008 issued NAC (Non Availability Certificate) to fill up 131 posts of TGT NM, 126 posts of TGT Medical and 54 posts of TGT Arts respectively amongst Ward of Ex-servicemen, and accordingly, the Department placed requisition to all Employment Exchanges to fill up the vacancies reserved for Ward of Ex-Servicemen category on contract basis vide Ednst. No.EDN-H(2)B(2)3/2008-Requisition (Vol-I) dated 02.01.2009. Thereafter, as per Batchwise Merits drawn against the requisition dated 27.06.2008 & 02.01.2009, recommendation received through Secretary, HPSSSB, Hamirpur against the requisition dated 27.06.2008, recommendation received through Ex-servicemen Cell, Hamirpur from time to time against the requisition dated 27.06.2008 and recommendation received through Sports Cell, H.P. from time to time against the requisition dated 27.06.2008, the Department offered appointment to all eligible candidates on contract basis selected through batchwise basis, selected through HPSSSB, Hamirpur, Ex-servicemen recommended by Ex-servicemen Cell, Hamirpur and sportspersons recommended by Sports Cell H.P. vide office order, No. EDN-H(2)B(2)5/2008-(Medical)-Deptt. Dated 25.11.2008, No. EDN-H(2)B(2)6/2008-Medical/(Deptt.) Dated 27.01.2009, No. EDN-H(2)B(2)6/2008-Med-(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 28.05.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 19.08.2009, No. EDN-H(2)B(2)5/2008-Medical-(Deptt) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-Med-(Deptt.) Dated 17.04.2010, No. EDN-

H(2)B(2)5/2008-Med-(Deptt.) Dated 19.06.2010, No. EDN-H(2)B(2)5/2008-Med-(Deptt.) Dated 06.08.2010, No.EDN-H(2)B(2)5/2009-10(Medical)-HSSSB dated 17.08.2010, 04.09.2010, No.EDN-H(2)B(2)5/2009-10(Med)-HPSSSB dated 18.06.2011, No.EDN-H(2)B(2)5/2008-(Non-Med.)-Deptt. Dated 14.11.2008, No.EDN-H(2)B(2)6/2008-NM(Deptt.) Dated 21.02.2009, No.EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 28.05.2009, No.EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-NM-(Deptt.) Dated 20.04.2010, No. EDN-H(2)B(2)CWP-2645/2008 Dated 27.12.2010, No. EDN-H(2)B(2)5/2009-10(Non-Medical)-HPSSSB dated 24.09.2010, 28.09.2010, No. EDN-H(2)B(2)5/2009-10(NM)-HPSSSB dated 18.06.2011, No. EDN-H(2)B(2)6/2008-(Arts)-Deptt. Dated 07.11.2008, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 21.02.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.02.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 22.05.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 28.05.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 19.08.2009, No. EDN-H(2)B(2)6/2008-Arts-(Deptt.) Dated 05.10.2009, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 17.04.2010, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 27.04.2010, No. EDN-H(2)B(2)-CWP-1268/2008 Dated 09.09.2010, No. EDN-H(2)B(2)5/2008-Arts-(Deptt.) Dated 16.09.2010, No. EDN-H(2)B(2)5&6/2008-(Arts)B.W. Dated 01.03.2011, No. EDN-H(2)B(2)-12258/2008-CC dated 09.01.2012, No.EDN-H(2)B(2)5/2009-10(Arts)-HPSSSB dated 21.07.2010, 04.09.2010, NO. EDN-H(2)B(2)-6/2010-HPSSSB-Hamirpur dated 19.03.2011, No. EDN-H(2)B(2)6/2009-10(Arts)-HPSSSB dated 18.06.2011, No. EDN-H(2)B(2)34/2005-Contract (Ex-Man) Dated 20.12.2008, No. EDN-H(2)B(2)34/2005-Contract (Ex-Man) Dated 26.12.2008, No. EDN-H(2)B(2)6/2008-(Ex-Man) Dated 28.02.2009, No. EDN-H(2)B(2)6/2008-(Ex-Man) Dated 06.08.2009, No. EDN-H(2)B(2)6/2008-EXM Dated 15.03.2010, No. EDN-H(2)B(2)6/2008-EXM Dated 24.05.2010, No. EDN-H(2)B(2)5&6/2008-Sports Dated 28.02.2009, 06.08.2009, No.EDN-H(2)B(2)-5&6/2009-WEXM(A/NM/M) dated 21.11.2009, 27.11.2009, 30.11.2009, 29.01.2010, 06.03.2010, 17.04.2010, 24.05.2010 & 19.06.2010.

Whereas, some of the TGTs who were appointed on contract basis in the year of 2008 & 2009 prior to the insertion of contract condition in the R&P Rules of TGTs filed various civil writ petitions in the Hon'ble High Court of H.P. for regular appointment instead of contract appointment from the date of initial appointment on contract basis as such the provision of contract appointment was not inserted in the R&P Rules of TGTs and provision of regular appointment was in vogue. The Hon'ble High Court of H.P. disposed of these writ petitions **in terms of the judgments passed in CWP No. 7602 of 2010, titled Om Prakash Versus State of H.P. and others, and connected matters, and CWP No. 3144 of 2011, titled as Anju Devi Versus State of H.P. and others, subject to the outcome of LPAs No. 54 of 2013 and 500 of 2013.**

Whereas, the matter of regular appointment instead of contract appointment without the amendment of R&P Rules was decided by the Hon'ble High

Court of H.P. in LPA No. 21/2013 and other connected LPAs on dated 04.10.2019 and the Director of Higher Education implemented the judgment passed LPA No. 54/2013 titled as State of Himachal Pradesh & Ors. Vs Sh. Om Parkash (connected with LPA No. 21/2013) filed in CWP No. 7602 of 2010, titled Om Prakash Versus State of H.P. and others, and connected matters vide office order No. EDN-H (19)B(1)6/2013- Court Case dated 08.12.2020 and allowed the benefit of taking over the services on regular basis instead of contract to the eligible petitioners as lecturer w.e.f. 06.02.2007.

Whereas, in the matter of petitioners (TGTs) in CWP No. 414/2014- Kuldip Chand Vs State of HP & connected matters, CWP No. 6383/2014- Manoj Kumar Vs State of HP & Others, CWP No. 6746/2014- Som Dutt Vs State of H.P. & Ors, CWP No. 6751/2014- Manohar Lal Vs State of H.P. & Ors, CWP No. 6748/2014-Disha Sharma Vs State of H.P. & Ors, CWP No. 6749/2014- Nirmla Shashni vs State of HP & Others, CWP No. 6750/2014- Chhime Angmo Vs State of HP & Others and connected matters, the matter of LPA No. 54/2013(State of HP and others Vs Om Prakash) was again taken up with the Govt. vide letter No EDN-H(2)B(2)54/2013 CC date 24.06.2020 & 01.11.2023 and the Government vide letter No. EDN-C-E(3)3/2020 dated 30.11.2023 conveyed the approval to implement the orders of the Hon'ble High Court in letter and spirit. Accordingly, the Department implemented the order of the Hon'ble High Court of H.P. vide office order No. EDN-H(2)B(2)54/2013-CC dated 01.12.2023 by considering the petitioner deemed regular employee from the date of their initial appointment on contract basis with all consequential benefits. However, the Government had further also directed that in similar situated cases, the advice of the Ld. Advocate General may be sought as to how proceed further in the matter. Accordingly, the matter was also discussed with **Ld. Advocate General who opined that "decide the representations if any in accordance with Law as laid down qua including notional benefits for fence seater"**.

Whereas, in most of the present petitions the Hon'ble High Court has ordered that **"This writ petition is accordingly disposed of with the direction that the representation filed by the petitioner be decided in light of the averments made therein within a period of four weeks from today. Pending miscellaneous application(s), if any also stand disposed of accordingly."**

Whereas, the matter of CWP No. 414 of 2014 and other CWPs alongwith LPA No. 54 of 2013 was again taken up with the Government vide letter No. EDN-H(2)B(2)54/2013-CC dated 24.04.2024 and in reference to the Department letter, the Secretary, (Education) to the Govt. of H.P. with the prior approval of Finance Department (Regulation) obtained vide File No. Fin(C)-B(15)-2/2020-L dated 09.05.2024 conveyed the approval to implement the orders of the Hon'ble High Court of H.P. in similar situated cases (TGTs/C&V categories) qua petitioners as well as to fence seater (including notional benefits to fence seater) vide letter No. EDN-C-E(3)3/2020 dated 15.05.2024. Accordingly, the Department has implement the order of the Hon'ble High


Court of H.P. vide office order No:EDN-H(2)B(2)7556/2022-CC dated 05.01.2024 No:EDN-H(2)B(2)10902/2023-CC dated 01.03.2024, No:EDN-H(2)B(2)9135/2023-CC dated 20.04.2024, No:EDN-H(2)B(2)54/2013-CC dated 18.06.2024, No:EDN-H(2)B(2)2782/2019-CC dated 04.07.2024.

In view of above facts and circumstances and in compliance to the orders passed by the Hon'ble High Court of H.P. in various CWPs and further approval conveyed by the Government vide letter No. EDN-C-E(3)3/2020 dated 15.05.2024, the following petitioners are hereby considered as deemed regular employees of the State from the date when they were initially appointed/joined on contract basis with all consequential benefits, however, monatory benefits are extended notionally. The details of petitioners are as under:-

Sr. No.	CWP NO./CWPOA NO.	Name & Address	Subject	D.O.Apptt
1.	8616/2024	Sudershana Kumari W/o Sh.B.C Katoch Vill.Garh Jamullah P.O-Malker Teh-Palampur Kangra 176093	Arts	07.11.08
2.	8616/2024	Sarla Sharma W/o Sunil Sharma, Electric Sub Station, 33-KB Thural Kangra 176107	Arts	07.11.08
3.	1328/2024	Bina W/o Parshotam Chand, Village Bhanad P.O. & Tehsil Thural Kangra 176107	Arts	07.11.08
4.	604/2024	Parveen Bala D/O Lakhu Ran Vill.Neri Po Jaure Amb Teh. Barsar (Hmr) 174312	Med	25.11.08
5.	8616/2024	Ex-Ris(Hony Capt) Surjit Singh s/o Sh. Munshi Ram, Vill Dehrubar, PO Jagroop Nagar Alampur, Tehsil Jaisinghpur, Distt Kangra, H.P. 176082	Arts	20.12.08
6.	8616/2024	Ex-Nb/Sub Baljit Singh Guleria S/O Sh. Bidhi Singh VPO Baram Tehsil Jaisinghpur Distt. Kangra (H.P.)-176097.	Arts	20.12.08
7.	8616/2024	Ex-Hav Anil Kumar S/O Sh. Vishwanath VPO Duhak Tehsil Thural Distt. Kangra -176075	Arts	20.12.08
8.	8616/2024	Ex-Hav Ashok Kumar s/o Sh. Hoshiar Singh, Vill Baghdar PO Deha, Tehsil Palampur, distt. Kangra-176102	Arts	20.12.08
9.	8616/2024	Neelam Kumari W/O Jagdev Chand V. P.O. Bar-ram Tehsil Jaisinghpur Distt Kangra 176097	Arts	28.02.09
10.	9271/2024	Sanjay Kumar S/O Sohan Singh Vill Bann, P.O. Rangas Teh Nadaun Distt. HMR	NM	30.11.09

11.	8025/2024	Anita Kumari d/o Sh.Chaman Lal W/O Kuldeep Chand Village Kamlal Post Office Jalari Tehsil Nadaun Hamirpur HP 177042	Med	17.08.10
12.	5988/2024	Rajani Kumari d/o Sh.Joginder Singh Village Amned Post Office Bharthian Tehsil Hamirpur Hamirpur HP 177029	Med	17.08.10
13.	9729/2023	Amin Chand S/O Sainu Ram Vill Upper Barot PO Faith Pur teh. Sarkaghat District Mandi (HP)	Arts	07.11.08


The concerned Principal/Headmaster/Incharge of GSSS/GHS/GMS of H.P. is further directed that 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.

No:EDN-H(2)B(2)54/2013-CC Dated November, 2024

Copy forwarded for information and necessary action to:-

1. The Secretary (Education) to the Government of H.P. w.r.t. letter No. EDN-C-E(3)3/2020 dated 15.05.2024.
2. All the concerned Dy. Directors of Elementary/Higher Education of H.P.
3. The concerned Treasury Officer.
4. The concerned Principal/Headmaster of GSSS/GHS/GMS of H.P. **with the direction that before proceeding further in the matter as per above directions it may be strictly ensured that the concerned TGT is a petitioner in the above referred CWP and the appointment of the petitioner is as per requisition/advertisement issued before the amendment of R&P Rules of TGT i.e. before, 22.10.2009. if any petitioner who is appointed against the posts requisitioned/advertised after the amendment of R&P Rules, the cases of such petitioner shall be referred back to this Directorate immediately and further directed to send the compliance report to this Directorate immediately.**
5. The Dealing Assistant Seniority Seat/Pay Fixation Seat, TGTs.
6. The Petitioner concerned.
7. Nodal Officer, IT Cell, Dte. of Ele. Edu. H.P. with the request to upload the same on Departmental website.
8. The Guard file.


Director Elementary Education,
Himachal Pradesh.

