

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

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

26 NOV 2024

शिमला-1

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 **disposed of with the direction that the representation filed by the petitioner be decided in light of the averments made therein.**

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-CCdated 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.	6415/2024	Reeta W/o Bachiter Singh Thakur(SM) Railway Station Jutog Totu, Shimla	Arts	07.11.08
2.	6415/2024	Suresh Kumar S/O Sh. Amarnath VPO kotlu Brahmana Tehsil Ghumarwin District. Bilaspur, H.P.	Arts	07.11.08
3.	8915/2024	Renu Bala D/O Sh Sukhdev Singh Vill Nehri Khalsa PO Nehri Nouranga District Una	Arts	07.11.08
4.	6415/2024	Rakesh Kumar S/O Sh Gurmukh Ram VPO Bhanjal (Lower) TehAmb District Una	Arts	07.11.08
5.	6415/2024	Ram Krishan S/O Gurbachan Singh VPO Upper Gagret TehAmb District Una	Arts	07.11.08
6.	10492/2023	Taran Kumari W/O Surender Sharma Vashiist Niwas Ward. No. 9/44 Roop Nagar, Hmr-177001	NM	14.11.08
7.	9034/2024	Rekha Patial W/O Sh. Desh Raj Patial Vill. Nahalwin P.O. Aghar Teh. District. Hamirpur Pin-176041	NM	14.11.08
8.	1507/2024	Anjana Gupta D/O Sh. Daulat Ram Gupta, Vill. Dhanesar, Po Sainj, Suni Shimla	NM	14.11.08
9.	6415/2024	Lalit Kumar S/O Sh. Jagdish Chand Vpo Chakmoh Teh. Barsar District. Hamirpur-176039	NM	14.11.08
10.	9730/2023	Virender Singh S/O Sh. Amar Singh Vill Matyara Po Narola Tehsil Sarkaghat, Mandi	NM	14.11.08
11.	8876/2024	Bir Singh S/O Sh. Dodanu Ram, Vill. Jahila P.O. Banogi Dehori Sub. Tehsil Sainj, Distt. Kullu	NM	14.11.08

12.	8875/2024	Renuka Vias D/O Ram Chander Vias Vill Majhenu P.O. Panchrukhi Tehsil Palampur Distt. Kangra 176103	Med	25.11.08
13.	10492/2023	Seema Shama W/O Ashok Shama Wn 4 Hn 6 Shiv Nagar , Distt. Hamirpur 177001	Med	25.11.08
14.	4796/2024	Minakshi D/O Sh. Rattan Chand Vill Changara,P.O Bhapoo, Tehsil Indora Distt. Kangra 176401	Med	25.11.08
15.	6415/2024	Ex-Hav Jaishi Ram s/o Sh. Mohan Ram, Vill. Railli, PO Railli Jajri-Barsar, Distt Hamirpur-176039	Arts	20.12.08
16.	6415/2024	Ex-Hav Mohinder Singh s/o Sh. Wazir Chand Vill Duhal Pathwalan, PO Kinnu, Tehsil Amb, Distt. Una, H.P.177109	Arts	20.12.08
17.	6415/2024	Ex-WO Budhi Ram Sharma s/o Sh. Bhandari Ram Sharma Village Kamlu, PO. Salahon Tehsil Ghumarwin, District Bilaspur	Arts	26.12.08
18.	6415/2024	Jagdish Chand S/O Sh Mauji Ram Vill Landher (Gharta) Po Suri Teh amb Distt Una	Arts	28.05.09
19.	6415/2024	Ex-Nk Vijai Singh s/o Sh. Mehar Singh, Vill Dehra, PO Hatwar, Tehsil Ghumarwin, Distt. Bilaspur, H.P 174028	Arts	06.08.09
20.	9643/2024	Surjeet Kumar S/O Bagwan Das VPO dudhana, Teh & distt. HMR	Arts	21.11.09
21.	8228/2024	Prem Lata D/O.Ramesh Kumar Vill.BalakRupi PO.& Tehsil J/Nagar Distt.Mandi	Med	27.11.09
22.	9621/2024	Vipan Kumar S/o Sh. Ram Lal, H.No. 1. Ward No. 4 Village & Post Office Nadaun Hamirpur HP 177033	Arts	21.07.10
23.	7502/2024	Suman Kumari d/o Sh. Tara Chand H.No. 14/7 Village Behar Tehsil & PO Sarkaghat Mandi HP 175024	Med	17.08.10
24.	7502/2024	Anupma Attri d/o Sh.Kanwar Singh Attari VPO Basantpur Tehsil Sarkaghat Mandi HP 175042	Med	17.08.10

25.	11231/2024	Manoj Kashyap s/o Sh.Jeet Ram Village Karog Tehsil Kandaghat Post Office Hinner Via Chail Solan HP 173217	Med	17.08.10
26.	8869/2024	Rajni Bala d/o Sh.Dhram Dev Trehan VPO Yol Jharer Tehsil Shahpur Kangra HP 176208	Med	17.08.10
27.	9735/2024	Anish Kumar s/o Sh. Nawang Chuppel, Village Ratil, PO Sissu, Tehsil Keylong, Distt. L&S	NM	19.02.11
28.	6470/2024	Bindiya d/o Sh. Jia Ram , Vill Sharabaj PO Bhunter Teh Kullu, Distt Kullu ,HP-175125	Arts	18.06.2011
29.	7502/2024	Amar Singh s/o Sh. Lala Ram, Vill. Kalohdhar PO Thona Tehsil Sarkaghat, Distt Mandi, HP- 175049	Arts	18.06.2011
30.	10458/2024	Sangram Singh S/O Sh Milkhi Ram Vill Dhaulpur Po Tatwali The Fatehpur Distt Kangra	NM	30.11.09

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. प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
26 NOV 2024
शिमला-1

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.