

(H)

No. EDN-HE(19)B(1)-8/2023-Contract-Regl.
Directorate of Higher Education,
Himachal Pradesh.

Dated: Shimla-171001, the July, 2023

ORDER

whereas, the contract appointment in education department was contrary to R&P rules and candidate of local employment exchange participated in selection process and initially it was stopgap arrangement. whereas, Lecturer School cadre is state cadre. The Govt. after cabinet approval conveyed decision to regularized the service of those contractual who have complete 08 years of continues services as on 31.12.2004 from 01.01.2005 and those who are going to complete 08 years contract service as on 31.12.2005 w.e.f. 01.01.2006 however in approval it was mentioned that for contractual who will complete 08 years' service as on 31.12.2005 orders should be issued after 31.12.2005 i.e. regularization w.e.f. 01.01.2006. Thereafter Government had not given any approval to regularize the service of contractual till 09.09.2008. First time regularization policy for contractual was notified by DOP to the Government on 09.09.2008 and it was mentioned that those contractual who have complete 08 years services as on 31.03.2008 may be regularized after observing codal formalities. As per Govt. decision regularization granted to them after 08/09 years contract service itself is a generous gesture on the part of the Government since after regularization they have been given regular scale and is treated at par with other regular employee. This generous gesture shown by the Government is in deviation of the normal channel of recruitment. These contractual have filed various CWP's before the Hon'ble High Court of Himachal Pradesh.

And whereas Smt. Arpana Bai was appointed as a temporary measure on "Contract Basis" by the Principal GSSS Girls Chamba District Chamba as Lect. Music (Vocal) and she joined on 12.11.1998. Her services were regularized by the department vide office dated: 02.03.2009. She has filed CWP No. 1853 of 2009-D before the Hon'ble High Court of Himachal Pradesh which was disposed of on 10.04.2013 is as under: -

"19. Accordingly, there shall be a direction to the 2nd respondent to order the regularization of the petitioner on notional basis w.e.f. 1.1.2007, within a period of two months from the date of production of a copy of this order by the petitioner before the 2nd respondent. However, the due and admissible monetary benefits be restricted from the date of she had joined duties pursuant to the office order dated 02.03.2009, Annexure P-13."

And whereas, the matter was under consideration with the Govt. under which it has been conveyed vide letter no. EDN-C-B(15)10/2015 dated 05.10.2019 is as under:-

“Examined. Department is advised to settle the issue as per directions of the Hon’ble High Court. Further instructions dated 15.12.2011 and 07.01.2012 issued by Finance Department may also be kept in view by the Department.

And whereas, the cases of these petitioners were also taken up with the Government and it has been conveyed vide letter no. EDN-B-E(5)-9/2020 dated 29.12.2021 is as under: -

“The case of Arpana Bali was implemented as per the advice of the Law Department and Finance Department. The Director of Higher Education is directed to consider the case and decided the CWP No. 89/2020 titled as Anil Rana Vs State of H.P. and others as per the advice of the Law Department and Finance Department in Arpana Bali’s case provided that the CWP No. 89/2020 titled as Anil Rana Vs State of H.P and other connected cases are similar to the case of Arpana Bali in CWP No. 1853/2009-D.”


Now therefore, in compliance to Hon’ble court order in Ex. Petition No 109/2023 dated 28.06.2023 (CWP No 4556 of 2022) the case of Smt Jeet Kaur, Lect. Pol Sc.(Retd) GBSSS Una, HP and Hon’ble court order in CWP No 1982/2023 dated 17th April,2023 the case of Smt Bhawana Guleria, Lect. History GSSS Gohar (Mandi) HP, have been considered and examined in the light of Hon’ble court order dated 18.04.2013 in CWP No 1853/2009 titled as Arpana Bali vs State of HP & ors and found that both the petitioners being retrenched contractual not covered under judgment of Arpana Bali’s case. However their claim is justified in light of LPA 145/2010 titled as Narain Singh vs State of HP. Accordingly regularization in r/o petitioners are hereby allowed at par with their junior as under:-

| Sr. No. | Name of the petitioner with place of posting at the time of filing CWP | Date of initial contract appointment | Date of earlier regularization allowed | Regularization being allowed in light of LPA No. 146/2010 – Narain Singh vs State of HP |
|---------|--|--------------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Jeet Kaur, Lect Pol Sc Retd. GBSSS Una distt Una HP Ex. Petition No 109/2023 dated 28.06.2023 (CWP No 4556 of 2022) | 15.10.1998 | 31.12.2008 | 01.01.2007 |
| 2 | Bhawana Guleria, Lect. Hist GSSS Gohar (Mandi) CWP No 1982/2023 | 24.10.1998 | 31.12.2008 | 01.01.2007 |

The Principal’s concerned schools are hereby directed to fix the pay of Lecturer school in regular scale of Rs. 10300-34800 + 4200 Grade Pay with initial start of Rs. 12090+4200 Grade Pay and others allowances as admissible from time to time. The arrear be released as per Finance Department

instructions dated 07.01.2012 and the entry in this regard may also be made in the service book of the petitioners. The ACP's and Seniority cases may also send to this Directorate within a week.

May inform the parties accordingly.


Director Higher Education,
Himachal Pradesh

Re: Post

Smt Jeet Kaur Sharma
w/o Sh Rakesh Awasthi
R/o Vikas Nagar Ward No 4
Una distt Una HP-174303

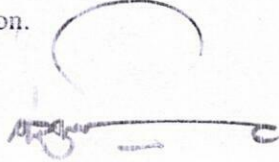
Smt Bhawna Guleria, Lect Hist
w/o Sh Narender Kumar Vill Bhagyar
PO Chail-Chowk The Chachiot Distt Mandi HP

Endst. No. Even Dated: Shimla-171001, the

July, 2023

Copy forwarded for information and necessary action to:-

1. Ld. Distt. Attorney Directorate of Higher Education HP in Ex. Petition No 109/2023 dated 28.06.2023 (CWP No 4556 of 2022) and CWP No 1982/2023
2. The Deputy Director Higher Education Una/ Mandi Himachal Pradesh.
3. The Principal GBSSS Una (Una)/ GMSSS Gohar (Mandi) HP.
4. DA dealing with Lecturer Seniority/fixation/ACPs for necessary information.
5. In-charge IT Cell to upload the same on departmental website.
6. Guard file.


Director Higher Education,
Himachal Pradesh