

No. EDN-HE(19)B(1)-2/2023-PTA-CC
Directorate of Higher Education,
Himachal Pradesh

12 FEB 2024

Dated Shimla-171001 the Feb.2024

ORDER

Whereas, the petitioners were initially engaged as Lecturer (School New) in different subjects as per the PTA (GIA) Policy 2006 during the year 2006, 2007 and 2008. Thereafter, the Government of H.P. took a conscious decision to take over the services of PTA GIA provided teachers on contract basis vide notification dated 16.08.2013. However, the decision of Government to convert PTA GIA teachers on contract basis was challenged by Sh. Pankaj Kumar by filing CWP No.6916 of 2011-H in the Hon'ble High Court of H.P. which was decided on 09.12.2014 in favour of PTA-GIA contract teachers and accordingly the services of PTA GIA provided Lecturers were taken over on contract basis in the year of January, 2015. In the meantime, the decision of Hon'ble High Court of H.P. dated 09.12.2014 was further agitated before the Hon'ble Apex Court of India by way of filing SLP No. 1426/2015 & connected matters and Hon'ble Apex Court ordered on dated 22.01.2015 that "Status qua be maintained till further orders to the contrary". Similarly, the orders dated 09.12.2014 in CWP No. 7728/2013 were also challenged by Kushal Kumari and another wherein the Hon'ble Supreme Court passed interim order on 09.03.2015 that status qua be maintained till orders to the contrary. The SLP No.s 6644/15, 6090/2015 and 7709/2015 were converted into Civil Appeals bearing CA No. 2813/2017, 2814/2017 and 2815/2017 and same were dismissed by the Hon'ble Supreme Court on dated 17.04.2020.

And whereas, after dismissal of SLPs/ Civil Appeals, the Government conveyed the approval to regularize the services of PTA GIA provided teachers taken over on contract basis as well as left out PTA GIA teacher whose services could not be taken over on contract basis due to various reasons with immediate effect vide letter No. EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020. After the Govt. approval, the bio-data of PTA-GIA contract teachers as well as left out PTA GIA Teachers were collected and after observing all codal formalities regularization orders were issued vide office order No. EDN-HE(19)B(1)-2/2012-PTA-CC dated 20.08.2020 subject to final outcome of the CWP No. 2850/2020.

And whereas, the services of the PTA GIA provided teachers whose services were taken over on contract basis by the Department in the year of 2015 could not be regularized after completion of three years continuous services on contract basis during the year of 2018 as the appointment of PTA GIA provided teachers matter was pending for adjudication before Hon'ble Apex Court whereas the services of those teachers who were

appointed on contract basis as Lecturer (School New) in the year of 2015 through direct recruitment and completed 03 years of continuous services on contract basis as on 31.03.2018 were regularized vide office order No. EDN-H(19)(1)-8/2012-Cont. Regl. dated 02.06.2018 as per the provision of Govt. of HP Department of Personnel letter dated 11.05.2018.

And whereas, feeling aggrieved, the PTA GIA teachers filed CWP No 342/2021 titled as Yashwant Singh & Ors vs State of HP before the Hon'ble High Court to regularize their services w.e.f. 01.04.2018 at par with the teachers who were appointed in the department through direct recruitment and completed 3 years contractual service as on 31.03.2018 and the Hon'ble High Court has allowed the same vide its order dated 31.08.2022.


And whereas, the matter was taken up with the Govt. for approval to regularize the services of the petitioners. The Govt. had directed to file SLP in the matter before the Hon'ble Supreme Court of India. The state has filed SLP(C) No 6966/2023, which was listed on 24.04.2023, on that day the same was dismissed. On dated 24.04.2023, the petitioners filed Ex. Pet. No 86/2023 to execute the order dated 24.04.2023 passed by the High Court. The matter was taken up with the Govt. for necessary directions regarding benefit of regularization of services w.e.f. 01.04.2018 along with all consequential benefits vide dated 31.05.2023 in which Government vide letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 and dated 04.12.2023 conveyed the approval to regularize the services of the petitioners in CWP No. 342/2021 and clubbed petitions and the similarly situated to judgment passed by the Hon'ble High Court in Execution Petition No. 86/2023 in CWP 342/2021 titled as Yashwant Singh & Ors. Vs State of HP w.e.f. 01.04.2018.

Now therefore, in view of above facts and circumstances of the case and in compliance to the approval received from the Govt. vide letter dated 02-09-2023 and 04.12.2023 the following petitioners Lecturers (School New) in CWP No. 342/2021 (clubbed matters and similarly situated) whose services were brought on contract basis in Jan.2015 and their services were regularized vide office order No. EDN-HE(19)B(1)-2/2012-PTA-CC dated 20.08.2020 are hereby regularized w.e.f. 01.04.2018 with all consequential benefits. The consequential benefits regarding monetary benefits to the petitioners will be released as per Hon'ble court order in Ex. Pet No 86/2023 dated 13.09.2023 i.e. 40% of arrears payable according to pre-revised scale may be paid by 31.12.2023 and remaining 60% arrears in two equal annual installments may be paid by 31.12.2024 and 31.12.2025 by calculating difference of pay of the petitioners on the basis of pre-revised scale for the period from 01.04.2018 till the earlier date of regularization by the State. It is further directed that arrears on the basis of revision of pay scale shall be paid, as per the instructions issued by the Finance Department H.P.

vide letter No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022 and letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012.

S.No	Name of Lect	Subject	Place of posting	Distt	Category	DOB	DOE on PTA	Dt of Taken over on contract	CWP No
1	Ruchi Sharma	Chem.	Oel	UNA	Gen	16.06.1981	21.09.2007	03.01.2015	CWP No. 9474/2023
2	Sudesh Kumari	Eng.	Rarang	KNR	Gen	30.07.1977	14.05.2007	03.01.2015	CWP No. 10966/2023
3	Surender Singh	Maths	Chowk	MND	Gen	03.08.1976	10.09.2007	07.01.2015	CWP No. 9351/2023
4	Sangeeta Thakur	Eng	Shoghi	SML	Gen	19.06.1982	06.10.2007	07.01.2015	CWP No. 7641/2022
5	Kumari Vanita Thakur	Maths	Hawani	MND	Gen	15.05.1976	29.08.2007	03.01.2015	CWP No. 04/2024


Other terms and condition remained unchanged as mention vide this directorate order No. EDN-HE(19)B(1)-2/2012-PTA-CC dated 20.08.2020. Present DDO will ensure compliance of Court cases.


(Dr. Amarjeet K. Sharma)
Director Higher Education
Himachal Pradesh

Endst. No. Even dated: Shimla-1, the Feb.2024

Copy forwarded for information and necessary action to: -

- 1 The Secretary (Education) to the Govt. of Himachal Pradesh w.r.t. his office letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 and dated 04.12.2023
- 2 The District Attorney, (Internal) Directorate of Higher Education HP, Shimla-1
- 3 All the DTO concerned.
- 4 All the Dy Directors of Higher Education concerned in HP.
- 5 All the present DDOs/Principals in GSSSs/DIETs concerned.
- 6 All the petitioners concerned.
- 7 TO, IT Cell (Int) with the request to upload this order on the departmental website.
- 8 Guard file.


Director Higher Education
Himachal Pradesh

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