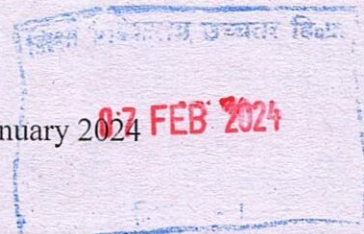


No. EDN-HE(12)B(6) -PTA(DPEs)-Regl.
Directorate of Higher Education,
Himachal Pradesh

Dated Shimla-171001 the

January 2024



OFFICE ORDER

The Petitioners were initially engaged as DPEs as per the GIA to PTA Rules, 2006 during the year 2006 and onwards. Thereafter, the Government of H.P. took a conscious decision to bring the services of PTA (GIA) provided teachers on contract basis vide Notification No. EDN-A-Kha (7)6/2012 dated 16.08.2013. However, the decision of Government to bring the services of PTA (GIA) teachers on contract basis was challenged by Sh. Pankaj Kumar by filing CWP No.6916 of 2011 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 Teachers were taken over on contract basis in 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 titled Pankaj Kumar & connected matters Vs State of HP & Ors. and Hon'ble Apex Court ordered on dated 22.01.2015 "Status quo be maintained till further orders to the contrary". Similarly, the Orders dated 09.12.2014 in another CWP No. 7728/2013 titled Shiksha Mankotia & Ors Vs State (clubbed with 6916/2011) were also challenged by Smt. Kushal Kumari and another in SLP No. 7709/2015 wherein also the Hon'ble Supreme Court passed interim order on 09.03.2015 that "Status quo be maintained till further orders to the contrary". The SLP Nos. 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.

After dismissal of the said SLPs/ Civil Appeals, the Government conveyed approval vide letter No. EDN-A-Kha(7)06/2012-Loose-I dated 05.08.2020 to regularize the services of GIA to PTA provided teachers taken over on contract basis, as well as left out GIA to PTA provided teachers whose services were not taken/brought on contract basis earlier due to various reasons, with immediate effect. After the Govt. approval, bio-data of PTA (GIA) contract teachers as well as left out PTA (GIA) Teachers was collected and after

observing all codal formalities, regularization orders were issued vide office order No. EDN-HE(12)B(2)-17/2012-PTA dated 07.08.2020, subject to final outcome of the CWP No. 2850/2020 titled Pawan Kumar and ors. Vs State of HP. 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 allowed the said CWP vide its Order dated 31.08.2022.

The matter of regularization of services of PTA (GIA) Teachers as per the judgment dated 31-08-2022 was taken up with the Govt. for approval to regularize their services accordingly w.e.f. 01-04-2018. The Govt. however had directed to file SLP in the matter before the Hon'ble Supreme Court of India. The State had filed SLP(C) No 6966/2023, which was listed on 24.04.2023 and on that day the same was dismissed. Thereafter, the petitioners filed Ex. Pet. No 86/2023 for execution of the order dated 31.08.2022 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 with all consequential benefits vide letter No. EDN-HE(19)B(1)-2/2012-PTA-CC dated 31.05.2023 in which the Government vide letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 conveyed its approval to regularize the services of the petitioners in CWP No. 342/2021 and clubbed petitions (with this CWP and with Execution Petition No. 86/2023) w.e.f. 01.04.2018. Further, vide letter No. EDUA-E005/4/2023-EDU-A dated 04-12-2023 it has been directed "to implement the cases of GIA to PTA provided Teachers, similarly situated to the judgment passed by the Hon'ble High Court in Ex. Pet. No. 86/2023 in CWP No. 342/2021 titled as Yashwant Singh and others without referring such cases to the Govt."

In view of the facts and circumstances as narrated above and as directed by the Govt./AD in compliance to the Hon'ble High Court Orders, vide its letter No. EDUA-E005/4/2023-EDU-A dated 02-09-2023, and letter No. EDUA-E005/4/2023-EDU-A dated 04-12-2023, the following Petitioners /DPEs in CWP No. 342/2021 (and clubbed matters/ similarly situated matters), whose services were taken on contract basis in January 2015 and regularized

vide Office Order No. EDN-HE(12)B(2)-17/2019-PTA dated 21.08.2020, are now hereby regularized w.e.f. 01.04.2018 with all consequential benefits. The consequential monetary benefits to the petitioners will be released as per Hon'ble Court Order dated 13.09.2023 in Ex. Pet No 86/2023 i.e. 40% of arrears payable according to pre-revised scale was to be paid by 31.12.2023 as such be paid immediately 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 pay scale for the period from 01.04.2018 till the earlier date of regularization. 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. letter No. Fin-E-I-C(17)-6/08 dated 07.01.2012 and vide letter No. Fin-(PR)B(7)-1/2021-Loose dated 17.09.2022.

Name and Particulars of Petitioners/DPEs:-

Sr. No.	Name (Sh. /Smt.)	Desi g	Place of posting : GSSS	Distt	Cat	D.O.B	Engagement date on PTA	Date of Taken Over on Contract	CWP No.
1	Santosh Kumar	DPE	Kharga, 15/20	Kullu	GEN	01.03.1983	29.06.2006	03.01.2015	2541/2023
2	Param Dev	DPE	Mandap	MND	GEN	05.01.1983	07.09.2007	07.01.2015	6670/2020
3	Surinder Singh	DPE	Khunni	SML	GEN	02.06.1977	29.06.2006	03.01.2015	6806/2022
4	Vijay Singh	DPE	Bahli	SML	GEN	12.05.1972	29.06.2006	03.01.2015	6806/2022
5	Rajeshwar Ranta	DPE	Tharola	SML	GEN	25.06.1969	13.08.2007	07.01.2015	6921/2023
6	Ajay Kumar	DPE	Seoh	MND	GEN	11.07.1979	18.09.2006	03.01.2015	6678/2022
7	Samer Singh	DPE	Langna	MND	GEN	19.10.1974	30.06.2006	03.01.2015	6857/2023
8	Suresh Kumar	DPE	Serathana	KGR	OBC	08.11.1972	23.11.2006	03.01.2015	6752/2023
9	Kaul Singh	DPE	Kot Tungal	MND	GEN	22.05.1982	26.09.2006	07.01.2015	1986/2022
10	Rajiv Kumar	DPE	Bassi	BLP	ST	26.05.1983	29.06.2006	07.01.2015	6941/2023
11	Surender Kumar	DPE	Bhakra	BLP	GEN.	10.11.1976	29.08.2006	03.01.2015	6941/2023
12	Manoj Kumar	DPE	Jukhala	BLP	GEN	15.07.1978	12.09.2006	03.01.2015	6941/2023
13	Parshotam	DPE	Bassi (CH)	MND	GEN	17.11.1983	08.10.2007	03.01.2015	7377/2023
14	Ashutosh	DPE	Massal	KNG	SC	06.10.1978	21.09.2007	03.01.2015	7377/2023
15	Manish Jaswal	DPE	Passu	KNG	GEN	24.02.1976	25.09.2007	03.01.2015	7377/2023
16	Balvinder Singh	DPE	Baliwal	UNA	OBC	29.11.1978	11.09.2006	03.01.2015	7377/2023
17	Tek Singh	DPE	Nangal Jarialan	UNA	GEN	03.02.1973	03.08.2006	07.01.2015	7377/2023
18	Surender Pal	DPE	Gaddidhar	MND	GEN	14.04.1978	22.09.2007	07.01.2015	7377/2023
19	Arun Chauhan	DPE	Sari	SML	GEN	12.05.1981	28.12.2006	03.01.2015	7431/2022
20	Chander Prakash	DPE	Pulbahal	SML	GEN	16.04.1980	09.11.2006	03.01.2015	7431/2022
21	Khem Singh	DPE	Dharwar Thach	MND	GEN	11.02.1979	01.07.2006	07.01.2015	1717/2023

22	Sanjay Kumar	DPE	Showad	KLU	GEN	12.08.1977	01.04.2007	07.01.2015	1717/2023
23	Muni Lal	DPE	Thunag	MND	GEN	21.05.1975	29.06.2006	03.01.2015	1717/2023
24	Kamal Nain	DPE	Darini	KNG	GEN	03.01.1971	01.11.2006	03.01.2015	5186/2021
25	Sunil Kumar	DPE	Kamlah Fort	MND	GEN	25.03.1980	21.09.2007	03.01.2015	7203/2022
26	Vinod Kumar	DPE	Tanehar	MND	GEN	04.04.1976	01.07.2006	07.01.2015	7203/2022
27	Kishori Lal	DPE	Jaddu Kulziar	BLP	SC	19.06.1978	06.10.2007	07.01.2015	5643/2023

Other terms and conditions as mentioned in this Directorate order No. EDN-HE(12)B(2)-17/2019-PTA dated 21.08.2020 shall remain unchanged.

The present place(s) of posting of DPEs have been shown as per address in Writ Petition(s). However, previous and present DDO(s)/Principal(s) of these Petitioners/DPEs shall ensure compliance of Hon'ble High Court orders in letter and spirit and despatch/communicating of this Office Order to the concerned.

These orders are also available on Departmental website <https://education.hp.gov.in>.



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

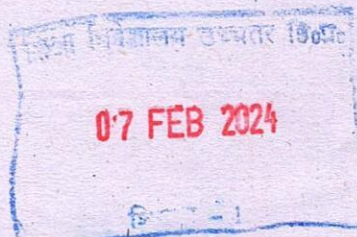
1. All the Petitioners (Sr. No. 1 to 27) Mentioned Above.

Endst. No. Even dated Shimla-1, the

January 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 letter No. EDUA-E005/4/2023-EDU-A dated 04-12-2023.
- 2 The District Attorney, Directorate of Higher Education HP, Shimla-1
- 3 All the DTOs concerned.
- 4 All the Dy. Directors of Higher Education concerned in HP. In case any discrepancies or any typographical error is noticed in this Office Order, then the same be brought to the notice of this Directorate immediately.
- 5 All the DDOs/Principals in GSSSs concerned. In case any discrepancies or any typographical error is noticed in this Office Order, then the same be brought to the notice of this Directorate immediately.
- 6 Supdt. IT Cell (Internal) to upload this Office Order on the Departmental website for information of all the concerned.
- 7 Guard file.



Director Higher Education
Himachal Pradesh

IT-Cell