

②

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

Dated Shimla-171001, the 18 SEP 2024

OFFICE ORDER

(CWP No. 8323/2023 titled Devi Singh and Ors. Vs State of HP and Ors.)

The Petitioner Sh. Sanjay Kumar, DPE presently GSSS Lagauti Distt Kullu was initially engaged, as DPE as per the GIA to PTA Rules, 2006 during the year 2006 like other GIA to PTA engaged teachers. 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 titled Pankaj Kumar Vs State of HP & Ors. 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, including the present Petitioner 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, with immediate effect as well of left out GIA to PTA provided teachers whose services were not

taken/brought on contract basis earlier due to various reasons. After the Govt. approval, bio-data of PTA (GIA) provided 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. The Hon'ble High Court allowed the said CWP No. 342/2021 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 Directorate Hr. Education letter No. EDN-HE(19)B(1)-2/2012-PTA-CC dated 31.05.2023. The Government vide its letter No. EDUA-E005/4/2023-EDU-A dated 02.09.2023 conveyed 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 directions 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 services of the petitioner Sh. Sanjay Kumar in CWP No. 8323/2023 titled as Devi Singh & Ors. Vs State of HP & Ors. are now hereby regularized w.e.f. 01.04.2018 with all consequential benefits, being similar situate to the case CWP No. 342/2021 titled

Yashwant Singh & Ors. Vs State of HP. The consequential monetary benefits to the petitioner 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, hence be paid immediately. The 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 petitioner 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 account of general revision of pay scales 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.

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

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


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

1. Sh. Sanjay Kumar DPE
GSSS Lagauti Distt. Kullu HP

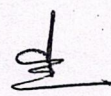
Endst. No. Even dated Shimla-1, the

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 The DTO Distt. Kullu HP.
- 4 The Dy. Director of Higher Education Distt. Kullu, 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, before its implementation.
- 5 The DDO/Principal GSSS Lagauti, Distt. Kullu . 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, before its implementation.
- 6 Supdt. IT Cell (Internal) to upload this Office Order on the Departmental website for information of all the concerned.
- 7 Guard file.


18 SEP 2024


Director Higher Education
Himachal Pradesh