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No.EDN-H(1)B(3)1/209-Imp.Instt.-V-II  
Directorate of Higher Education  
Himachal Pradesh



Dated Shimla - 171001 the

To

The Secretary (Education) to the  
Government of Himachal Pradesh-171002  
Shimla - 2.

Subject: -

A misconception regarding my request for personal hearing in CWP(T) No. 12175/2008.

Sir,

I have the honour to refer your letter No.EDN-A-Chha(15)-5/2006-loose dated 19.08.2016 and EDN-B-B-(16)-6/2016, dated 19.10.2016 on the subject cited above.

In this context, it is submitted Sh. Nandi Verdhhan Jain was transferred from Directorate of Hr. Education to GSSS Jubbal against vacant post on 19/06/2002 on administrative ground. He did not join there and got stay from the Hon'ble Tribunal on 04/09/2002 to retain him in Shimla till 30<sup>th</sup> April 2003. So, in compliance to these orders he was relieved on 30/04/2003 (A.N.) and directed to join at GSSS Jubbal, Distt. Shimla. He did not obey the order of the competent authority. He also disobeyed the orders of Pr. Secy. (Edu.) dated 31/07/2003 vide which his case was rejected due to lack of any merit and directed to join duties at GSSS Jubbal immediately. He joined his duties on 22/06/2004 in the Directorate after shifting the post of Radio Instructor from GSSS Jubbal to Directorate of Hr. Education. So, As per record available Sh. N.V. Jain has remained willfully absent from his duties for the intervening period (i.e. 01/05/2003 to 22/06/2004).

It is further submitted that Sh. N. V. Jain also filed CWP(T) No. 12175 of 2008 which is decided on 29.12.2010 with the direction to the second respondent to consider and decide the representation made by the petitioner within a period of two months after production of certified copy of judgment by the petitioner, by passing a speaking order. In compliance to the judgment, Directorate of Higher Education Himachal Pradesh has rejected his claim for salary and regularization of the period mentioned above by passing the speaking order dated on 25.02.11(Copy enclosed). Against the said orders he appealed to the Government to hear in person. Therefore, said matter was to be decided at Govt. level. However as per record available, there is no correspondence from the Government was found in this regard.

In view of the above, factual position of the said case is submitted for your kind perusal and favour of further necessary action please.

Yours Faithfully,

18 FEB 2021

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

18/2/2021

Endst. No. Even Dated:  
Copy to the:-

Shimla-171001, the

1. Joint Secretary to the Hon'ble Chief Minister Himachal Pradesh w.r.t. his U.O. no. Secy/CM-E0302/2017-DEP-C-252622 dated 01.12.2020.
2. Supdt. Legal Cell internal w.r.t. his U.O. No. EDN-H(18)LC-Misc/2021 dated 08.02.21.
3. Supdt. IT Cell internal w.r.t. his U.O. No. EDN-HE(14)-1/2020-e-samadhan dated 03.02.20 with the direction to upload the status at e-samadhan portal.
4. Sh.N.V.Jain (Retd. Radio Anudeshak) Manta Niwas Cemetery Gate Sanjauli, Shimla (HP) for information.

Director Higher Education  
Himachal Pradesh



Directorate of Higher Education  
Himachal Pradesh  
Dated - Shimla -171001 the.

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In the matter of CWP(T) No. 12175/2008 Sh. Nandi Verdhan, Radio Instructor (Rtd.).  
(Petitioner)

Versus

1. State of Himachal Pradesh through its Principal Secretary( Education) Shimla-2
2. Director of Higher Education Lal Puri, Himachal Pradesh, Shimla-1
3. Principal GSSS Jubbil, Distt Shimla H.P. (Respondents)

ORDER

The Hon'ble High Court of Himachal Pradesh passed order on dated 29/12/2010 in the aforementioned CWP with the direction to consider and decide the representation made by the petitioner within a period of two months after the production of certified copy of this judgment by the petitioner by passing speaking order.

After the careful consideration of the case it is found that Sh. Nandi Verdhan Jain was transferred from Directorate of Higher Education to GSSS Jubbil against vacant post on 19/06/2002 on administrative ground. He did not join there and got stay from the Hon'ble Tribunal on 04/09/2002 to retain him in Shimla till 30<sup>th</sup> April 2003. So, in compliance to these orders he was relieved on 30/04/2003 (A.N) and directed to join at GSSS Jubbil. He did not obey the order of the competent authority. He also disobeyed the orders of Pr. Secy. (Edu.) dated 31/07/2003 vide which his case was rejected due to lack of any merit and directed to join duties at GSSS Jubbil immediately. He joined his duties on 22/06/2004 in the Directorate after shifting the post of Radio Instructor from GSSS Jubbil to Directorate of Higher Education. So, As per record available Sh. N.V.Jain has remained willfully absent from his duties for the intervening period ( i.e. 01/05/2003 to 22/06/2004) which cannot be considered as duty period. Therefore, his claim for salary and regularization of this period is not justified and hence rejected.

Director of Hr. Education  
Himachal Pradesh

Sh. Nandi Vardhan Jain, (REGD)

S/O. Late Dr. Amar Nath, C/O. Manta Niwas Near Cemetery Gate Sanjauli Shimla-1  
Endst. No. Even. Dated: Shimla -171001 the

Copy to the following for information and further necessary action:

1. Principal Secretary( Education), H.P. Sectt. Govt. of Himachal Pradesh Shimla-2
2. P.S. to the Director of Higher Education H.P.
3. Principal GSSS Jubbil, Distt Shimla H.P.
4. District Attorney, Directorate of Higher Education Shimla-1

Director of Hr. Education  
Himachal Pradesh