

URGENT/KIND ATTENTION

शिक्षा निदेशालय उच्चतर हि०प्र०

19 JUL 2024

2024

शिमला-1

No: EDN-H(8)E(3)-2203/2019
Directorate of Higher Education
Himachal Pradesh
Dated: Shimla-171001

To

All the Principals,
Govt. Colleges of
Himachal Pradesh

Subject: CWPOA No.2203/2019- Joginder Singh & ors Vs State of H.P.

Find enclosed herewith the copy of Govt. Notification No.EDN-A-Chha(5)-5/2023- Loose dated 15.07.2024 in which Govt. has conveyed the approval to implement the judgment dated 24.06.2024 passed in above mentioned CWPOA No in the subject qua the petitioners only .

All the Principals concerned shall obtain undertaking subjecting the payment of the dues to legal outcome of Rev. Pet. titled State of Himachal Pradesh and another Vs Lekh Ram and others from the teachers concerned, countersign the same and paste the undertaking in service book of the teachers concerned. Arrears will be given as per Notification No.Fin(PR)-B(7)-16/98-III (Agriculture) dated 15.12.2011, No.Fin-E-1-C(17)-6/08 dated 07.01.2012 and 17.09.2022.List of petitioners is enclosed.

All the benefits to be released to the petitioners shall also be subject to any legal remedy available to the Department / State Government.

Director of Higher Education
Himachal Pradesh
2024

Endst.No. Even dated:Shimla-1

Copy for information to:-

1. The Secretary (Edu) to the Govt.of H.P.
2. The Incharge Technical, IT Cell (Internal) with the direction to upload the same on departmental website.

Director of Higher Education
Himachal Pradesh

Government of Himachal Pradesh
Department of Higher Education


No.EDN-A-Chha(5)5/2023-Loose Dated Shimla-02, the 15-7-2024

ORDER

Whereas, Sh. Joginder Singh & Ors. have filed CWPOA No. 2203/2019 in the Hon'ble High Court of Himachal Pradesh with the prayer to count their contract service for the purpose of seniority, increments and all other consequential service benefits. The Hon'ble High Court vide order/judgment dated 24.06.2024 has passed the following directions in this case:-

"4. Without adverting to the merits of the case, the instant petition is disposed of with direction to the respondents to consider and decide the case of the petitioners, within four weeks from today, strictly in terms of the judgment passed on 24.11.2023 in CWPOA No. 3282/2019, titled as Dr. Ranjeet Singh Thakur & Others V/s State of H.P. and others, by passing a detailed and reasoned order. Needless to say that in case petitioners are found identically situated as the beneficiaries in case(s) decided vide aforesaid judgment dated 24.11.2023, the petitioners shall also be extended all such benefits as made available to beneficiaries therein within further period of four weeks."

Whereas, the Petitioner(s) were appointed on contract basis on fixed emoluments strictly as per terms and conditions inserted in Column No. 15, 15-A of the R&P Rules. These rules have been finalized in consultation with the Advisory departments. In view of the terms and condition of R&P Rules of Assistant Professors (College Cadre) for their


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initial appointment, the salary of the Petitioners (contract appointees) cannot be given at par with the salary of regular appointees.

Whereas, the Law Department issued Notification dated 31.01.2024 vide which a Committee was constituted under the Chairmanship of the Chief Secretary of Himachal Pradesh to deliberate the various Court cases regarding counting of contractual services for the purpose of annual increment/ promotion/ seniority/ and other consequential benefits.

Whereas, the case of the Petitioner(s) i.e. CWPOA No. 2203/2019 is based upon the judgment dated 24.11.2024 in CWPOA No. 3282/2019- titled as Dr. Ranjeet Singh Thakur & Ors. V/s State of H.P. & Ors.

Whereas, the decision passed by Hon'ble High Court of H.P in CWPOA No. 3282/2019- titled Dr. Ranjeet Singh Thakur & Ors. V/s State of H.P. and others is based upon the judgment dated 03.08.2023 in CWP No. 2004/2017- Taj Mohammad and other V/s State of H.P. & Other.

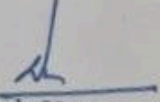
Whereas, the matter was taken up with the Food and Civil Supplies Department, which have intimated this department vide their letter dated 09.05.2024 that *"The judgment delivered by the Hon'ble High Court on 03.08.2023 in CWP No. 2004/2017-titled as Taj Mohammad and others V/s State of H.P. and Ors. has been further assailed before the Hon'ble High Court of Himachal Pradesh by way of filing Review Petition titled as State of Himachal Pradesh and Another Versus Lekh Ram and others which is pending for adjudication"*.


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And whereas, Dr. Ranjeet Singh Thakur filed Execution Petition No. 13/2024 in the Hon'ble High Court of Himachal Pradesh regarding non- implementation of the judgment dated 24.11.2023 in CWPOA No. 3282/2019. After consultation with the Advisory Department(s) i.e. Law, Finance and Personnel, it was decided that the judgment dated 24.11.2023 in CWPOA No. 3282/2019 may be implemented subject to legal outcome of the Review Petition in the matter of State of Himachal Pradesh and another V/s Lekh Ram and others filed by the Food, Civil Supplies and Consumer Affairs Department (F,CS&CA) which is yet to be decided by the Hon'ble High Court.

Now, therefore, on the basis of the position given in the preceding paras, the Undersigned finds that the request of petitioner (s) Sh. Joginder Singh and others in CWPOA No. 2203/2019 may be allowed on the analogy of Dr. Ranjeet Singh Thakur case which has been decided by the Department vide Notification No. EDN-A-Chha(5)5/2023-Loose dated 22.05.2024.

(This order shall be qua the Petitioners only).


(Rakesh Kanwar) IAS
Secretary (Education) to the
Government of Himachal Pradesh

Regd.

1. Sh. Joginder Singh S/o Sh. Ram Lal, R/o V.P.O. Sari, Tehsil Sarkaghat, Distt. Mandi, H.P. presently working as Assistant Professor in Political Science in Govt. College Solan, H.P.
2. Sh. Mukesh Kumar Sharma S/o Shri Dhani Ram Sharma, R/o Village Parihar Ki Ber, P.O. Dharot, Tehsil and District Solan, H.P., presently working as Assistant Professor in Journalism and Mass

Communication in Government Post Graduate College Solan, District Solan, H.P.

3. Ms. Malvika Sharma D/o Shri Rakesh Narayan, R/o Narayan Ashram, Village Hodel, P.O. Sidhpur, Tehsil Dharamshala, District Kangra, H.P., presently working as Assistant Professor in Commerce Government Post Graduate College Solan, District Solan, H.P.

4. Ms. Pallvi Chauhan D/o Shri Ramanand Chauhan, R/o C/o Shri Ramanand Chauhan, Chauhan Building, Surya Vihar, Rajgarh Road, Solan, H.P., presently working Assistant Professor in English in Government Post Graduate College Solan, District Solan, H.P.

5. Ms. Shweta Sharma D/o Shri Jagdish Chand Sharma, R/o Kudrat Villa, Boileauganj, Shimla, presently working as Assistant Professor in Zoology in Government Post Graduate College, Solan, H.P.

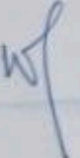
6. Sh. Rajeev Kumar S/o Shri Khyali Ram, resident of Village Tikkari Ghuralan, P.O. Ludder Mahadev, Tehsil Bhoranj, District Hamirpur, H.P., presently working as Assistant Professor in Mathematics in Government Post Graduate College, Solan, H.P.

7. Sh. Somindar Singh Randhawa S/o Shri Man Singh Randhawa, resident of Village & P.O. Thakurdwara, Tehsil & District Kangra, H.P., presently working as Assistant Professor in English in Government College Tissa, District Chamba, H.P.

8. Sh. Kuldeep Singh Barwal S/o Shri Keshav Ram Barwal, resident of Village Lower Beri, Sandhole, Tehsil Sarkaghat, District Mandi, H.P., presently working as Assistant Professor in Zoology in Government College Sarkaghat, District Mandi, H.P.

9. Sh. Naveen Bhardwaj S/o Shri Jagdish Bhardwaj, R/o Bhardwaj Cottage Middle Sanghti, P.O. Chaily, Tehsil & District Shimla, H.P., presently working as Assistant Professor in Economics in Government College Jukhala, District Bilaspur, H.P.

10. Sh. Yog Raj S/o Shri Balam Ram, R/o Village Hawani, P.O. Ropari, Tehsil Sarkaghat, District Mandi, H.P., presently working as Assistant Professor in Public Administration in Government Degree College Paonta Sahib, District Sirmour, H.P.


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11. Sh. Sandeep Thakur S/o Sh. Sudarshan Lal, R/o Village Bhatkiol, P.O. Ghatoo, Tehsil Nirmand, District Kullu, H.P. presently working as Assistant Professor (Economics) in Government Post Graduate College Rampur Bushehr, District Shimla, H.P.

12. Sh. Anit Kumar S/o Shri Khajana Ram, R/o Village Bharari, P.O. Talyana, Tehsil Ghumarwin, District Bilaspur, H.P., presently working as Assistant Professor (English) in Government College Bharmour, District Chamba, H.P.

13. Smt. Vrinda W/o Dr. Rajender Singh, R/o C/o Shri K.L. Chauhan, Koyla Bhawan, Anadale, Shimla, H.P., presently working as Assistant Professor (English) in Government College Sangrah, District Sirmour, H.P.

14. Ms. Babita Sharma D/o Shri Parma Nand Garg, R/o Pitamber Bhawan, Lower Kanlog, Shimla-1, currently working as Assistant Professor (Commerce) in Rajkiya Kanya Mahavidyalaya, Shimla.

15. Ms. Sharda Shandil D/o Shri K.L. Shandil, R/o Shop No. 10, Main Bazar Bharari, Shimla-171001, presently working as Assistant Professor (English) in Government College Barsar, District Hamirpur, H.P.

16. Sh. Pyare Lal Verma son of Shri Dayanand Verma, R/o Shegli Nal, P.O. Jassal, Tehsil Karsog, District Mandi, H.P., presently working as Assistant Professor (Economics) in Government College Seeraj, at Lamba Thatch, District Mandi, H.P. 171302.

17. Sh. Rajinder Singh S/o Shri Dharam Singh, R/o Gurudwara Building near Local Bus-stand, Shimla-171001, H.P., presently working as Assistant Professor in Commerce in Government College Theog. Tehsil Theog, District Shimla, H.P.

18. Sh. Gaurav Kapoor S/o Shri R.S Kapoor, R/o Green Oak, Lower Chakkar, Shimla, presently working as Assistant Professor in (Zoology) in Government College Arki, Tehsil Arki, District Solan, H.P.

19. Sh. Neeraj Sharma S/o Shri L.R Sharma, R/o Sunshine Cottage, Kuftadhar, H.P., AGPO, Shimla-171003, H.P. presently working as Assistant Professor (Commerce) in Government College Arki, Tehsil Arki, District Solan, H.P.

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20. Ms. Priyanka Radhava D/o Sh. Onkar Singh R/o 4/15 Shastri Nagar, Samalakha , Distt. Haryana. Panipat, presently working as Assistant Professor (Mathematics) in Government College Arki, Tehsil Arki, District Solan, H.P.

21. Sh. Sanjay Kumar S/O Sh. Raj Mal, R/o Village Taroon, P.O. Samour, Sarkaghat, District Mandi, H.P. Tehsil presently working as Assistant Professor (Economics) in Government Degree College Dharampur, District Mandi, H.P.175050.

22. Sh. Sanjeev Kumar S/O Sh. Dharam Singh, R/o Village Bihri (Amb-Tila), P.O. Rajpur Jaswa, Tehsil Amb, District Una, H.P. presently working as Assistant Professor (Physics) Government Degree College, Tisa, Deputed at Government College, Chamba, H.P.

Endst. No. : As above Dated: Shimla-02, the 15-07-2024

Copy for information and necessary action to:-

1. The Deputy Secretary (Education-D) to the Govt. of H.P. Shimla-171002.
2. The Director of Higher Education, H.P. Shimla-171001. He is requested to deliver a copy of above order to all concerned i.e. Petitioner(s).
3. Guard file.



(Nishant Thakur)

Addl. Secretary (Education) to the
Government of Himachal Pradesh.