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

Dated Shimla-171001 the

January 2024

04 JAN 2024

OFFICE ORDER

The Petitioners were initially engaged as DPEs as per the GIA to PTA Rules, 2006 during the year 2006 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 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

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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 has 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."

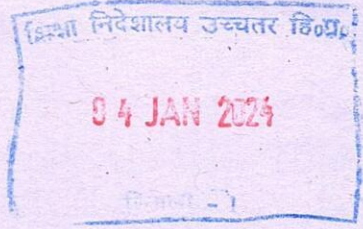
In view of the facts and circumstances as narrated above and as directed by the Govt./AD in compliance to the Hon'ble High Court Orders, vide its letter No. EDUA-E005/4/2023-EDU-A dated 02-09-2023, and letter No. EDUA-E005/4/2023-EDU-A dated 04-12-2023, the following Petitioners /DPEs in CWP No. 342/2021 (and clubbed matters) whose services were taken on contract basis in January 2015 and their services were 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.)	Desig.	Place of posting :GSSS	Distt.	Cat	D.O.B	Engagement date on PTA	Date of Taken Over on Contract	CWP No.
1	Pawan Kumar	DPE	Kathiana	HMR	GEN	30.09.1974	31.08.2006	03.01.2015	7663/2022
2	Dinesh Kumar	DPE	Gumma	MND	GEN	18.08.1981	10.09.2007	07.01.2015	6831/2023
3	Dev Pal Singh	DPE	Ludhiana	SMR	GEN	01.01.1977	29.06.2006	07.01.2015	7975/2023
4	Ajay Kumar	DPE	Rajgarh	SMR	GEN	26.03.1976	28.08.2007	07.01.2015	8360/2022
5	Arun Kumar	DPE	Sanghol	KNG	GEN	31.03.1979	15.02.2007	03.01.2015	7182/2023
6	Neeraj Kant	DPE	Gadiara	KNG	GEN	15.08.1975	27.06.2007	03.01.2015	7182/2023
7	Arvind Rana	DPE	Balakrupi	KNG	GEN	09.05.1979	06.10.2007	03.01.2015	7182/2023
8	Nasib Rana	DPE	Paprola	KNG	GEN	24.09.1980	06.09.2007	07.01.2015	7182/2023
9	Rajeev Kumar Rana	DPE	Thural	KNG	GEN	30.03.1978	04.07.2007	07.01.2015	7182/2023
10	Shyam Lal	DPE	Kothi Kohar	KNG	OBC	02.02.1979	30.07.2007	07.01.2015	7182/2023
11	Vinay Katoch	DPE	Sanhoon	KNG	GEN	01.06.1980	21.07.2007	03.01.2015	7182/2023
12	Rajesh Kumar	DPE	Kao	MND	GEN	11.02.1977	03.11.2006	03.01.2015	6860/2023
13	Reshma Kumari	DPE	Mehari Dhar	MND	GEN	01.07.1976	21.09.2007	07.01.2015	6860/2023
14	Damodar Singh	DPE	Ghanianar	MND	GEN	01.04.1979	29.06.2006	07.01.2015	7764/2023
15	Roop Singh	DPE	Sawal	MND	GEN	03.02.1979	23.04.2007	07.01.2015	7764/2023
16	Arvinder Singh	DPE	Mail	CBA	GEN	16.10.1975	08.11.2006	19.01.2015	6477/2022

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

The present place 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.

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

Sd/-

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

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.
- 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.
- ✓ 6 TO, IT Cell (Internal) with the request to upload this Office Order on the Departmental website for information of all the concerned.
- 7 Guard file.

Director Higher Education
Himachal Pradesh

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