

No. EDN H(19)B(5)-6/10
Directorate of Higher Education
Himachal Pradesh.

Dated: Shimla 171001, the 30th March, 2013

ORDER

WHEREAS vide this Directorate letter No EDN H(19)B(5)6/2010 dated 05.09.11 and dated 17.04.2012, 11 Ex-Serviceman Lecturers have been granted seniority after counting service rendered in Indian Army by the respective incumbents.

AND WHEREAS while preparing panel for promotion to the post of Principal (School) from feeder category of lecturers, various incumbents represented on the strength of directions passed earlier in CWP (T) No 5018/08 titled as Harinder Pal Chauhan vs State of HP dated 08.10.2010 against assigning of this seniority to them which decision in its operation portion reads as under:

*“It has been pointed out that the aforesaid judgment of this Court in **VK Behl vs State of HP and others**, has been challenged by filing an appeal in the Supreme Court. Therefore, it is directed that the benefit rendered in compliance with the aforesaid direction shall be subject to the outcome of appeal, which is stated to be pending in the Hon’ble Supreme Court.”*

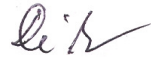
AND WHEREAS in the relied upon judgment of above case i.e. VK Behal vs State of HP, SLP titled RK Barwal & ors vs State of HP & ors was filed by the Ex-Serviceman candidates which was listed on 16.03.2009 when Hon’ble Apex Court has been pleased to pass following direction:

“In the meanwhile, statu quo, as of today, shall be maintained.”

AND WHEREAS the above interim directions passed by Hon’ble Apex Court till now is also continuing and the directions passed in VK Behal case in CWP No 488/2001 dated 29.12.2008 on the issue of assigning seniority to Ex-Servicemen having been struck down which Hon’ble Apex Court in pending SLP has neither stayed nor over ruled. As such Ex- Servicemen candidate after 16.03.09 is not entitled for seniority till

VK Behal judgment is either struck down by Hon'ble Apex Court or the interim directions dated 16.03.09 are suitably modified. Rather for ex-servicemen candidates, after 16.03.2009 the department is to maintain status quo in view of Harinder Pal judgment.

NOW THEREFORE all the Ex-Servicemen lecturers as per the above direction passed by the Hon'ble High Court and Hon'ble Apex Court being not liable to be granted seniority which in view of order dated 05.09.11 and 17.4.2012 has been granted in their favour illegally. Instead of maintaining status quo qua, all of them as on 16.03.2009. Therefore, after considering above discussed detailed facts and circumstances prevailing in this case as per directions passed by Hon'ble High Court and Hon'ble Supreme Court, the office order/letter of this Directorate dated 05.09.2011 and 17.04.2012 are hereby withdrawn and all of you are hereby directed to explain your position within 15 days alongwith any contrary directions passed by Hon'ble Supreme Court if any failing which this order shall attain finality till further order/ till the direction of SLP titled as RK Barwal vs State of HP dated 16.03.2009 are modified or vacated.



Director of Higher Education
Himachal Pradesh

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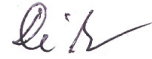
1. Sh Raj Kumar, Lecturer in Hindi
GSSS Majhiath Distt. Mandi (HP).
2. Sh Bant Singh, Lecturer in Eco.
GSSS Mahasu Distt. Shimla (HP).
3. Sh Madan Lal, Lecturer in English
GSSS Manjhohle(Datiyar) Distt. Solan (HP)
4. Sh Som Dutt, Lecturer in Pol Sc.
GSSS Bangana Distt Una (HP)
5. Sh Puran Singh, Lect. Hist.
GSSS Manai Distt. Kangra (HP)
6. Sh Suresh Kumar, Lect. In Hindi
GSSS Lathiani Distt. Una (HP)
7. Sh Sada Ram, Lect. In Eco
GSSS Berthin Distt. Bilaspur (HP)
8. Sh Vijay Kumar, Lect in Hist.
GSSS Amni Distt. Kangra (HP)
9. Sh Jagdev Singh Rathore, Lect. In Phy.

- GSSS Bindraban Distt. Kangra (HP)
10. Sh Tej Lal, Lect. In Hindi
GSSS Rehan Distt. Kangra (HP)
11. Sh Kranti Kumar Rana, Lect. In Phy.
GSSS Bilaspur Distt. Bilaspur (HP)

Endst No even Dated Shimla 171001 the 30th March, 2013

Copy for information and further necessary action to:-

1. All the Dy Directors of Higher Education in Himachal Pradesh
2. All the Principals of concerned GSSSs in Himachal Pradesh.
3. Sh Narotam Thakur, President Association of Lecturers, GSSS Kharahal, Distt. Kullu (HP) w.r.t. their representation of dated 28.02.13.
4. DA dealing with Confirmation of lecturer in +2 branch (Int.).



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Himachal Pradesh

