

No.EDN-H(19)B(1)-7/2012-Contract-Salary-
Directorate of Higher Education
Himachal Pradesh

Dated: Shimla-171001 the 23rd Nov., 2013

To

All the Deputy Director of Hr. Education,
Himachal Pradesh,

All the Principals,
Govt. Sr. Sec. Schools in Himachal Pradesh.

Subject:- Regarding implementation of judgment passed by the Hon'ble High Court
in LPA No. 105 of 2010.

Sir/ Madam,

This is with reference to the Principal Secretary (Education) to the Govt.
H.P. letter No. EDN-C-E(1)6/2013 dated: 14.11.2013 which is prior approval of the Finance
Department vide their UO No. Fin-(C)-B(15)-12/2010-Pt Dated: 13.11.2013 on the subject cited
above.

In this regard, it has been conveyed that LPA pertaining to payment of
revision of pay scale to the contract teacher was listed before the Hon'ble High Court of HP on
13.12.2012 when Hon'ble High Court was pleased to pass the following directions:-

“In the above circumstances, the appeals and the writ petitions are disposed of as follows:

the direction in the judgment in Rakesh Chand's case in CWP (T) No. 781 of 2008 for granting the running pay scale to the JBT teachers from the date of their initial appointment is set aside. However, it is held that the JBT teachers appointed on contract basis will be entitled to the initial of the pay scale attached to the post of JBT teachers and revised from time to time. It is also clarified that the principle that is applied in the case of the JBT Teachers in equal force would apply to the School Lecturers appointed on contract basis. LPA No. 108 of 2012 is dismissed. All other appeals are partly allowed and the writ petitions are disposed of, so also the pending applications, if any.

The SPL filed against the said decision has been dismissed by the Hon'ble Apex Court on 9.7.2013. Since the directions given by Ld. Single Judge in CWP(T) No. 781 of 2008 has been set aside in LPA No. 105/2010, therefore, the judgment dated 13.12.2012 passed in LPA 105/2010 are required to be implemented.

The direction in LPA No. 105/2010 is to give initial of the pay scale attached to the post of JBT teachers which may be revised from time to time. For example, in the pay scale of Rs. 4550-7200/-, the initial of the pay scale would be Rs. 4550/-. In case, this scale

has been further revised, then, similarly, the initial of that revised scale will have to be given to the concerned JBT teachers engaged on contract basis.

Therefore, all the CWP's which are relied upon the judgment passed in LPA 105/2010 tilted as State of HP versus Sh. Rakesh Chand and others, Contract Lecturers are entitled to the emoluments as per illustration given below:-

For contract teachers (Lecturers) (from the date of joining or w.e.f. 1.1.1996 (which ever is later) to 31.12.2005.

Initial of the pay scale (1996) i.e. Rs. 6400/- fixed

w.e.f. 1.1.2006 to till regularization)

Initial of the pay scale i.e. Rs. 10300/- fixed.

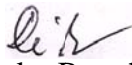
In case some recoveries become payable on implementation of the above Hon'ble Court order, the affected incumbents may be allowed protection of emoluments they have drawn to the following extent:-

- i) From 09.05.2006 to 30.11.2009 the protection may be allowed to the extent of initial of the pay scale plus 50% dearness pay.
- ii) From 01.12.2009 onwards the protection may be allowed to the extent of minimum of the pay band plus grade pay.

Therefore all the Principals of Sr. Sec. Schools are hereby directed to collect the drawn statements from all the previous stations of the petitioners whose CWP's are relied upon the judgment in LPA 105/2010 and calculate the same as per above illustration. Arrear be paid as per instructions issued by the Finance Department vide letter No. Fin-E-1-C(17)-6/08 Dated 07.01.2012. Excess paid if any may be recovered in lump sum by issuing show cause notice to the concerned.

Any action contrary to above guidelines will be viewed seriously and responsibility will be fixed on defaulter DDO.

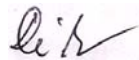
These instructions are also available on departmental website www.educationhp.org


(Dinkar Burathoki)
Director of Hr. Education
Himachal Pradesh

Endst. No. Even Dated Shimla-171001 23rd Nov. 2013

Copy to:-

1. The Secretary Education to the Govt. of HP.
2. The Accountant General (A&E) Himachal Pradesh, Shimla.
3. The Director, Treasury, Accounts and Lotteries, Himachal Pradesh, Shimla.
4. The Incharge, IT Cell (Internal) for uploading on departmental website.


Director of Hr. Education
Himachal Pradesh