

(A)

No. EDN-HE(19)B(1)-8/2023-Contract-Regl.
Directorate of Higher Education,
Himachal Pradesh.

Dated: Shimla-171001, the 20, January, 2023

ORDER

Whereas, the petitioner namely Sh. Bant Singh, Sh. Raj Kumar and Sh. Suresh Kumar was appointed as Lecturer School cadre in the education department. The names of these petitioners were sponsored by the Ex. Men Cell Hamirpur on dated 10.11.2003 and 22.06.2003. They were appointed in the department after 15.05.2003 i.e. when CCS Pension Rules 1972 were made inapplicable. These petitioners were filed CWP No. 7404 of 2022 before the Hon'ble High Court of Himachal Pradesh and same was disposed of on 03.01.2022 is as under :-

“According to the petitioner the issue in question is squarely covered by a judgment rendered by this Court in CWP No. 3435 of 2020, titled Satish Kumar and others Vs State of HP and another, decided on 27.11.2021(Annexure P-1). This is a matter, which is required to be considered by the employer/respondent.

Accordingly, without going into the merits of the case, we deem it appropriate to dispose of the instant petitioner by direction the respondents to consider and examine the case of the petitioner in light of the judgment in Satish Kumar (supra) and, in case, the claim of the petitioner is found to be covered by the said judgment, then same and similar benefits as granted in Satish Kumar (supra) be also extended to the petitioner. The entire exercise be completed within a period of six weeks.

The petition stand disposed in the aforesaid terms, so also pending miscellaneous applications, if any.

For compliance, to come up on 28.03.2023.”

And whereas, the judgment passed by the Hon'ble High Court of Himachal Pradesh in CWPOA No. 3435 of 2020 titled as Satish Kumar and ors Vs State of Himachal Pradesh on dated 27.11.2021 is as under :-

“In the given facts and circumstances, we find merit in this petition. The impugned Officer Orders dated 05.04.2018 (Annexures A-14 and A-15) are quashed and set aside. The petitioners shall be deemed to be appointed on 1st May, 2003, along with all consequential benefits. However, since the petitioners have not be entitled to any monetary benefits from the deemed date of their appointments.

The petition is allowed in the aforesaid terms, leaving the parties to bear their own costs. Pending application, if any, also stand disposed of.”

Now therefore, in view of the facts and circumstances of the case the claims of the petitioners were not similar to the case of CWPOA No. 3435 of 2020 Satish Kumar & Ors. Vs State of HP. The names of the petitioners were sponsored by the cell after


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15.05.2003 i.e. when CCS Pension Rules 1972 were made inapplicable. Hence the claim of the petitioner is considered and rejected. May inform the parties accordingly.

Reg.

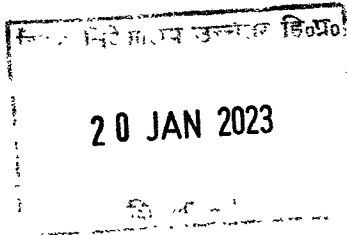
1. Bant Singh S/o Sh. Krishan Singh
V&PO Karuala Teh. Baddi Distt. Solan HP
2. Raj Kumar Lecturer Hindi
GSSS Majhiath Distt. Mandi H.P.
3. Suresh Kumar Lecturer Hindi
GSSS Lathiani Distt. Una H.P.



(Dr. Amarjeet K. Sharma)
Director Higher Education,
Himachal Pradesh, Shimla-I

Endst. No. Even Dated: Shimla-171001, the **20, January, 2023**

Copy forwarded for information and necessary action to:-

1. The Ld. Distt. Attorney (Education), Directorate of Higher Education, HP.
2. The concerned Deputy Director of Higher Education Himachal Pradesh.
3. The concerned Principal Govt. Senior Secondary School Himachal Pradesh.
4. The DA dealing with Lecturer Seniority and Pay fixation/ACPs.
5. In-charge IT cell to upload the same on departmental website.
6. Guard file.




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