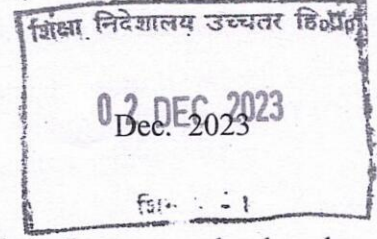


No. EDN-HE(19)B(1)-7/2023-Contract Salary
Directorate of Higher Education
Himachal Pradesh

Dated: Shimla-171001 the



OFFICE ORDER

Whereas, the petitioners were appointed as Lecturer school cadre as temporary measure on "Contract Basis" on fixed pay of Rs. 1800/- by the department in the year 1998 and 1999. The services of applicants were regularized by the department vide order dated 01.01.2007 and 01.01.2008 as per instructions of the Government. They had filed CWP No. 3711 of 2012 before the Hon'ble High Court & sought the benefit of verdict of CWP(T) No. 14232 of 2008. This CWP has been disposed of on 23.05.2012 with following directions:-

"According to the petitioners, the issue is covered in their favour by the judgment of this Court rendered in CWP (T) No. 14232 of 2008, titled as Nek Ram & others Versus State of H.P. & others, decided on 17.11.2009. If that be so, similar treatment shall also be extended to the petitioners herein also, as extended to the petitioner in the above referred decision, in case the petitioners are also similarly situated, within a period of three months from the date of production of a copy of this judgment along with a copy of the writ petition by the petitioners before the second respondent."


And whereas, above judgment is relied upon the judgments passed in CWP(T) No. 14232/2008 titled as Nek Ram & others and LPA No. 105/2010-State of HP versus Rakesh & others and both the judgment have been perused. The CWP(T) No. 14232 of 2008 has been disposed of with the direction to permit the petitioners to exercise their option whether they would like to be regulated under letter dated 09.05.2006 or as per terms and conditions of their contract which they have entered into in the year 2000. This judgment was assailed by the Govt. before the Hon'ble Supreme Court by way of filing SLP No. 27115/2012 which has been disposed of with the directions that we are satisfied that the High Court had rightly declared that the respondents herein are entitled to the benefit of policy contained in Memorandum dated 10.06.2005 and the State Govt. was not justified in withdrawing the benefit of the policy contained in that Memorandum. According to office Memorandum dated 10.06.2005, Govt. servants were entitled for 50% dearness pay w.e.f. 01.04.2004. Pay Scale of the Govt. employees had been revised w.e.f. 01.01.2006. Hence the impact of 50% merger of dearness pay was applicable till 31.12.2005.

And whereas, following Lecturers (School) also filed writ petitions as mentioned against each which has/have been disposed of with the direction to the respondents to comply with the judgment within stipulated period:-


| Sr.No | Name Design & place of posting of petitioners | CWPOA/CWP/ Ex Pet No |
|-------|---|--|
| 1 | Surinder Kumar Handa Lect. Eco. GSSS Karian Distt. Chamba | Ex. Pet. No. 320/2023 in CWP. No 9245/2012 |
| 2 | Surinder Kumar, Lect. History, GSSS Luddu Distt. Chamba | Ex. Pet. No. 320/2023 in CWP. No 9245/2012 |

Now therefore, in view of the facts and circumstances the Principal concerned Schools are hereby directed to fix the basic pay in respect of petitioners in the revised pay scale at the lowest level i.e. Rs. 6400/- plus allowances w.e.f. 01.01.1996 as admissible from the initial date on contract till their regularization and entry in this regard may also be made in the service book of the individual concerned. And the order issued on dated 31.10.2023 is hereby withdrawn.

May inform the parties accordingly.


Director of Higher Education
Himachal Pradesh Shimla-1
the Dec. 2023

- Endst. No. Even. Dated: Shimla-171001
- Copies forwarded for information and necessary action to:-
- 1 The Distt. Attorney (Education) Directorate of Higher Education with reference to above mentioned petition.
 - 2 The concerned Deputy Director Higher Education Himachal Pradesh.
 - 3 The concerned Principal Govt. Sr. Sec. School Himachal Pradesh.
 - 4 In charge IT (Int.) with the request to upload this order on departmental website for the information to all the concerned.
 - 5 Guard file.


Director Higher Education
Himachal Pradesh Shimla-1

