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No. EDN-H(12)B(6)-/2023 Para (DPE) Salary
Directorate of Higher Education,
Himachal Pradesh

Dated : Shimla-171001 the

18 NOV 2023 November, 2023

ORDER

CWP No. 4019/2023 titled Neeraj Sood & Ors Vs State of HP & Ors.
CWP No. 4069/2023 titled Naresh Chand Ors Vs State of HP & Ors.
CWP No. 10894/2012-J titled Purender Kumar & Ors Vs State of HP

Whereas, the Petitioners by way of above CWPs have mainly sought relief regarding payment of salary in revised pay scale w.e.f. 01-04-2007 to 31-03-2010.

Whereas various court cases were filed by the Para Teachers for revision of pay scale in the Hon'ble High Court of H.P. and the Hon'ble High Court of H.P. had decided the matter in a common judgment delivered in CWP No. 4954 of 2012, titled as Madan Lal and others Vs. State of H.P. and others and other connected matters, dated 07.11.2012 with the following directions:-

"In these cases, the petitioners have sought for the benefit of the decision of this Court in CWP No. 14232/2008 titled as Nek Ram and others versus State of Himachal Pradesh and others in the matter of merger of 50% D.A. in some of the cases they have also sought for revision of the pay scale. Once the Para Teachers are brought at par with contract teachers w.e.f. 1.04.2007, all the benefits extended to the contract teachers should be available to the Para Teachers w.e.f. 01.04.2007 in the case of merger of D.A. or in the case of revision of pay scale.

Therefore, these writ petitions are disposed of with a direction to the Director Higher Education to issue appropriate instructions, if not already issued within a month from today, to see that the Para Teachers are paid same emoluments as are given to the contract teachers in the respective categories w.e.f. 01.04.2007. In any of these cases, the Para teachers have not been paid the vacation salary, the eligible vacation salary shall be paid to them within a period of three months from the date of production of a copy of this judgment by the petitioner concerned before the competent authority."

And whereas, in compliance to the order of the Hon'ble High Court, the Department of Higher Education H.P. vide letter No. EDN-H(19)B(1)-4/2012-Para Salary dated 07.3.2013 and Department of Elementary Education H.P. vide letter No. EDN-H(III)B(2)CWP No. 4951/2012-(Para) Salary dated 26.07.2014 had issued instructions to all the Dy. DHE/DEEs to release the salary to Para Teachers at par with contract teachers w.e.f. 01.04.2007 to 31.03.2010 alongwith vacation salary.

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And whereas, many petitioners have filed various execution petitions in the Hon'ble High Court of HP for grant of minimum of revised pay scale of Rs. 10300+3600 w.e.f. 01-04-2007 to 31-03-2010 and the Hon'ble High Court of HP in one of the Execution Petition No. 286/2023 Alka Chauhan vs. State of HP and others has passed the following orders on dated 04-08-2023:-

Order, for execution whereof present petition has been filed, has been passed directing the respondents to extend the benefits to petitioners in terms of judgment rendered by this Court in CWP No.4954 of 2012, titled Madan Lal and others vs. State of HP and others, decided on 7.9.2012, . In Madan Lal's case, vide judgment dated 7.9.2012, financial benefits were directed to be extended w.e.f. 1.4.2007, whereas in present case, the benefits have been extended from 1.4.2010.

Respondents have no authority to modify the judgment/ directions passed by the High Court. Despite that, by releasing the monetary benefits from 1.4.2010 instead of 1.4.2007, an affidavit was filed stating that order passed by the Court has been complied with, which was factually incorrect.

Mr. Ghanshyam Chand, Director Elementary Education, Himachal Pradesh, is present in person. On his request, matter is adjourned by two weeks, enabling the respondents to rectify the mistake.

List for compliance report on, 21.8.2023.

And whereas, a similar matter of para teacher in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was decided by the Hon'ble High Court of H.P. on dated 29.06.2022 and the said judgment stand implemented by the Department vide office order No EDN-H(19)B(1)-4/2023-Para Salary dated 18.05.2023 and the petitioners (Para Lecturer (SN)) have been granted the benefit of minimum of the revised pay scale of Rs. 10300-34800 with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 subject to the final outcome of the LPA e-Filing No: EC-HPHC01-00637-2022 Re e-Filled Date/Time : 06-02-2023 titled Principal Secretary Education and Ors. Vs Sh. Pushap Raj Khimta and Ors. filed in the Hon'ble High Court of H.P. vide e-filing No. EC-HPHC01-00637-2022 dated 06.02.2023 with the condition that in case the outcome of LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.

And whereas, the matter of grant of benefit of revised pay scale to the petitioners whose case have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA

No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others was taken up with the Government and the Government vide letter No. EDN-C-B(15)-14/2020 dated 20.08.2023 has directed to implement the judgement/order in favour of the petitioner Para Teachers, in personam, on the analogy of Madan Lal case and Pushap Raj Khimta cases, as the case may be subject to final outcome of further legal remedy, if any being exercised by the State. Therefore, in view of government instructions, since the judgment passed in CWPOA No. 7661 of 2019, titled as Pushap Raj Khimta Vs State of H.P. & ors has been implemented by the Department subject to the final outcome of the LPA filed in the Hon'ble High Court of H.P. against the order passed in CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others dated 29.06.2022, therefore, the petitioners whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWP No. 4954/2012 titled as Madan Lal & others Vs State of H.P. & Others and the petitioner whose cases have been decided by the Hon'ble High Court of H.P. on the analogy of CWPOA No. 7661/2022 in OA No. 2641/2019 titled as Pushap Raj Khimta & others Vs State of H.P. & others are hereby granted the benefit of minimum of the revised pay scale of Rs. 10300-34800 with appropriate grade pay of the post w.e.f. 01.04.2007 to 31.03.2010 in personam subject to the final outcome of the LPA with the condition that in case the outcome of the LPA comes in favour of the Department, the petitioners are bound to refund the amount of arrear so paid to them.

Now therefore, in view of above facts and circumstances of the case, following petitioners para DPEs are hereby granted consolidated amount Rs 13900/- (10300+3600) as admissible to contract appointees w.e.f. 01.04.2007 to 31.03.2010 subject to final outcome of the LPA:-

Sr.No.	Name of petitioner (Sh. & Smt.)& Name of GSSS	CWPOA/CWP/ Ex. Pet. No.
1.	Rajeev Chaudhary, DPE GSSS Moondhi Distt. Kangra	CWP No. 4019/2023 titled Neeraj Sood & Ors. Vs State of HP
2.	Abhiraj Mandhotra DPE Khalet, Distt. Kangra	CWP No. 4019/2023 titled Neeraj Sood & Ors. Vs State of HP
3.	Rajesh Kumar, DPE GSSS Gander, Distt. Kangra	CWP No. 4069/2023 titled Naresh Chand & Ors. Vs State of HP
4.	Ajay Kumar DPE , BPSGSSS Chadhiar, Distt. Kangra.	CWP No. 4069/2023 titled Naresh Chand & Ors. Vs State of HP
5.	Balbir Singh, DPE, GSSS Lambagaon Distt. Chamba	CWP No. 4069/2023 titled Naresh Chand & Ors. Vs State of HP

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6.	Purender Kumar , DPE, GSSS Mandhorghat Distt. Shimla	CWP No. 10894/2012-J titled Purender Kumar & Ors Vs State of HP
7.	Manoj Kumar, DPE, GMSSS Alsindi, Distt. Mandi.	CWP No. 10894/2012-J titled Purender Kumar & Ors Vs State of HP

Accordingly, all the Principals of the GSSSs concerned of H.P. are directed to release the arrears to all the petitioners immediately subject to final outcome of LPA with the condition that in case the outcome of the LPA comes in favour of the Department, the petitioners shall have to refund the amount of arrears so allowed and paid to them. It is also directed to verify from service particulars whether the Petitioners are engaged initially as Para DPEs and if the Petitioners are promotee DPEs, then their case may be referred back to this Directorate immediately.

May inform the parties accordingly.


Sd-

(Dr. Amarjeet K. Sharma)
Director Higher Education,
Himachal Pradesh
November, 2023

(All the Petitioners
mentioned in the table above. (Sr. No. 1 to Sr. No. 7)
Endst. No. Even dated: Shimla-1, the

Copy forwarded for information and necessary action to :-

1. The Secretary (Education) to the Government of H.P. Shimla-02 w.r.t. letter No.EDN-C-B(15)-14/2020 dated 20.08.2023.
2. The District Attorney, Directorate of Higher Education HP, Shimla-1
3. The DTO Distt. Chamba, Kangra, Mandi, Shimla.
4. The Dy. Directors of Higher Education Distt. Chamba, Kangra, Mandi, Shimla HP.
5. The DDOs/Principals in GSSSs/ concerned.
6. All the petitioners concerned.
7. The Superintendent IT Cell (Internal) with the request to upload this order on the departmental website.
8. Guard file.



Director Higher Education,
Himachal Pradesh