

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

Dated : Shimla-171001 the 04 December 2023

ORDER

1. CWP No. 4182/2023 titled Jai Chand Chanouria & Ors Vs State of HP & Ors.
2. Ex. Pet. No. 90/2023 in OA No. 5681/2017 titled Surekha Devi & Ors. Vs State of HP & Ors.
3. CWP No. 6395/2023 Bhupender Pal & Ors. Vs State of HP.
4. CWP No. 4069/2023 Naresh Chand & Ors. Vs State of HP.
5. CWP No. 6405/2023 titled Rita Devi Vs State of HP.
6. CWP No. 10886/2012-1 titled Rajiv Kumar & Ors. Vs State of HP.

Whereas, the Petitioners by way of above CWPs have mainly sought relief regarding payment of arrears 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 in the Hon'ble High Court of H.P. for revision of pay scale 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, vide judgment 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. Directors (HE)/DEE, HP 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.

And whereas, many petitioners have also filed 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. 286/2022 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.

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 stands 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 Lecturers (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 petitioners 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 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 petitioners 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 arrears 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.	Jai Chand Chanouria, DPE GSSS Ghanari, Distt. Una.	CWP No. 4182/2023 titled Jai Chand Chanouria & Ors. Vs State of HP.
2.	Mahesh Kumar, DPE GSSS Dhusara, Distt. Una.	CWP No. 4182/2023 titled Jai Chand Chanouria & Ors. Vs State of HP.
3.	Ranesh Vir, DPE, GSSS Marwari, Distt. Una.	CWP No. 4182/2023 titled Jai Chand Chanouria & Ors. Vs State of HP.
4.	Shubh Lata, DPE, DIET Una Distt. Una.	CWP No. 4182/2023 titled Jai Chand Chanouria & Ors. Vs State of HP.
5.	Phool Vati, DPE, GSSS Nigualsari Distt. Kinnaur.	Ex. Pet. No. 90/2023 in OA No. 5681/2017 titled Surekha Devi & Ors. Vs State of HP & Ors.

6.	Bhupender Pal, DPE GSSS Urla, Distt. Mandi	CWP No. 6395/2023 titled Bhupender Pal & Ors. Vs State of HP.
7.	Ashok Kumar, DPE GSSS Jalag, Distt. Kangra.	CWP No. 4069/2023 titled Naresh Chand & Ors. Vs State of HP.
8.	Rita Devi, DPE GSSS Bajrol, Distt. Hamirpur	CWP No. 6405/2023 titled Rita Devi Vs State of HP.
9.	Aman Kumar DPE, GSSS Saroh, Distt. Una	CWP No.10886/2012-1 titled Rajiv 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 Books/record 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.**

All the parties concerned be informed accordingly.

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

By Regd. Post

All the Nine Petitioners Mentioned Above.

Endst. No. Even dated: Shimla-1, the December 2023

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 DTOs concerned, Distt. Kangra, Mandi, Kinnaur, Hamirpur and Una.
4. The Dy. Directors of Hr. Education Distt. Kangra, Mandi, Kinnaur, Hamirpur and Una HP.
5. The DDOs/Principals in GSSSs/DIET Principal concerned.
6. The Superintendent IT Cell (Internal) with the request to upload this Order on the departmental website.
7. Guard file.

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Director Higher Education,
Himachal Pradesh

IT-cell