

A-5  
19/11  
No. EDN-H(19)B(1)-4/2023-Para Salary  
Directorate of Higher Education,  
Himachal Pradesh

Dated : Shimla-171001

11 NOV 2024

Nov., 2024

Dy. Director of  
Higher Education

ORDER

20 NOV 2024

9324

Diary No. 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 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. 49541/2012-(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.

**And whereas,** many petitioners have filed various execution petitions in the Hon'ble High Court of H.P. for grant of minimum of revised pay scale of Rs. 10300+4200 w.e.f. 01.04.2007 to 31.03.2010 and the Hon'ble High Court of H.P. in one of the execution petition No. 286 of 2022 has passed the following orders on dated 04.08.2023:-

*"Order for execution whereof present petition has been filed, has been directing the respondents to extend the benefit to petitioners in terms of judgment rendered by this Court in CWP No. 4954 of 2012, titled as Madan Lal and others Vs. State of H.P. and others, decided on 07.09.2012. In Madan Lal's case vide judgment dated 07.09.2012, financial benefits were directed to be extended w.e.f. 01.04.2007, whereas in present case, the benefits have been extended from 01.04.2010."*

*Respondent have no authority to modify the judgment/direction passed by the High Court. Despite that, by releasing the monetary benefits from 01.04.2010 instead of 01.04.2007, 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 21.08.2023.”*

**And whereas,** a similar matter of para teacher in CWPOA No. 7661/2019 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 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. 7661/2019 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 judgment/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. 7661/2019 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. 7661/2019 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 person subject to the final outcome of the LPA 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.

Now therefore, in view of above facts and circumstances of the case following petitioner para Lecturer(SN) is hereby granted consolidated amount Rs. 14500/-PM as admissible to contract w.e.f 01.04.2007 to 31.03.2010 subject to final outcome of the LPA:-

| Sr. No. | Name Design. & place of posting of petitioners                         | CWPOA/CWP/ Ex. Pet. No. |
|---------|--|-------------------------|
| 1.      | Sh. Suresh Kumar Heer, Lecturer Pol. Science, GSSS Sunhi, Distt Kangra | CWP No. 9283/2024       |
| 2.      | Sh. Gurcharan Dass, Lecturer Commerce, GSSS Kachhiari, Distt Kangra    | CWP No. 9283/2024       |
| 3.      | Sh. Balkar Singh, Lecturer Biology, GSSS Gangath, Distt Kangra         | CWP No. 9283/2024       |
| 4.      | Sh. Sanjay Sharma, Lecturer Mathematics, GSSS Gangath Distt Kangra     | CWP No. 9283/2024       |
| 5.      | Sh. Bharat Bhushan, Lecturer Commerce, GSSS Gangath, Distt Kangra      | CWP No. 9283/2024       |
| 6.      | Sh. Sanjeev Kumar, Lecturer Commerce, GSSS Gangath, Distt Kangra       | CWP No. 9283/2024       |

Accordingly, the Principal concerned is directed to release the arrears immediately subject to final outcome of LPA with the condition that in case the outcome of LPA comes in favour of the Department, the petitioner is bound to refund the amount of arrear so paid to her and *it may also be ensured before release of payment that above named lecturer was working as lecturer during the period 01.04.2007 to 31.03.2010 and arrear to this effect has not been drawn earlier.*

May inform the parties accordingly.

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

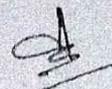
Endst. No. Even dated: Shimla-1, the

Nov., 2024

Copy forwarded for information and necessary action to:-

- 1 The District Attorney, (Internal) Directorate of Higher Education HP, Shimla-1 w.r.t. above mentioned CWP
- 2 Concerned DTO.
- 3 Dy. Director of Higher Education concerned H.P. Kangra
- 4 DDO/Principal GSSS Concerned
- 5 Individual concerned
- 6 Guard file.

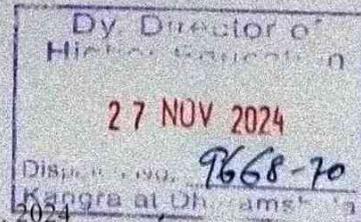
11 NOV 2024

  
Director Higher Education  
Himachal Pradesh

Endst.No-EDN-KGR(A-5)Court-case-9283/2023-  
Office of the Deputy Director of Higher Education  
Kangra at Dharamshala

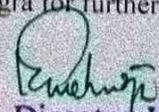
Dated: Dharamshala

Nov, 2024



Copy forwarded to:-

1. The Principal GSSS Sunhi, Kachhiari and Gangath Distt. Kangra for further n/action please.
2. Guard file.

  
Dy. Director Hr. Edu.  
Kangra at Dharamshala