

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

the 11 NOV 2024 Nov., 2024

Dated: Shimla-171001



**OFFICE ORDER**

Whereas, the petitioner were appointed as Lecturers school cadre as temporary as per instructions of the Govt. He had filed CWP No. 10871/2012 before the Hon'ble High Court & sought the benefit of verdict of LPA No. 105/2010. This CWP has been disposed of on 01.01.2013 with following directions:-

*"The petitioners claim the benefit of revision of pay scale. The case of the petitioners for grant of regular/revised pay scale be considered within a period of two months in the light of the decision of this Court in LPA No. 105/2010. Petitioners will produce a copy of the judgment, referred to above, before the respondents concerned. The writ petition stands disposed of, so also the pending applications(s), if any."*

And whereas, the SLP filed against the decision passed in LPA 105/2010 has been dismissed by the Hon'ble Apex Court on 09.07.2013. After due consideration, the Govt. has directed to implement the judgment passed in LPA 105/2010 and necessary guidelines with regard to admissibility of salary payable to contract were circulated vide letter No. EDN-C-E(1)6/2013 dated 14.11.2013. These instructions were further circulated to the field offices by the department vide instruction No. EDN-H(19)B(1)-7/2012-Contract-Salary dated 23.11.2013. According to these instructions, contractual Lecturer entitled to get Rs. 6400/- fixed prior to 31.12.2005 and Rs. 10300/- fixed after 01.01.2006 and the petitioners were allowed the benefit of initial pay vide this office order dated 17-01-2024, feeling aggrieved the petitioners filed Ex.Pet. to grant admissible allowances alongwith the initial pay.

And whereas, the Hon'ble High Court in Ex. Petition No. 423 of 2023 & other connected matters on dated 26-07-2024 has ordered as following:-

*"On perusal of recent judgment dated: 23-07-2024, passed in CWPOA No. 7530 of 2020, titled Nisha Devi Versus State of H.P. & others, shall make it further clear that what is the ratio of judgment passed in LPA No. 105 of 2010, titled the State of Himachal Pradesh and others Versus Rakesh Chand and others, whereby, LPA No. 108 of 2012, titled HP Rajkiya Prathmik Anubandh Adhyapak Sangh vs. State of HP and another, has also been dismissed by observing as under:-*

*“ That policy has never been varied by the Government and one fails to understand as to why the State has filed LPA No. 108 of 2012 since the learned Single Judge in CWP (T) No. 6037 of 2008 has only declared that JBT teachers will be entitled to the minimum of the JBT scale granted from time to time”*

*“It is apt to record that in CWP(T) No. 6037 of 2008, Learned Single Judge, in clear terms, has held that JBT Teachers will be entitled for minimum of scale granted from time to time along with allowances admissible thereon.”*

Further, the Government has directed vide instruction dated 28.02.2017 with the following directions:-

*“Examined in FD, it is observed that decision of the Hon’ble High Court given in CWP(T) No. 6037/2008 is applicable to those teachers only who have been appointed between 1995-2000. The benefits to petitioners can be considered only after certifying the fact that they are similarly situated to the petitioners in CP(T) No. 6037/2008 and not the others as has been advised earlier. The condition of restricting of arrear for 36 months in terms of instructions dated 15.12.2011 is to be applied in the cases where financial benefits are allowed by the Court retrospectively. In the cases where Court has not given any specific directions for the grant of retrospective benefits, the pay is to be fixed on notional basis.*

**And whereas** as admitted in similar Ex. Pet. No. 423/2023 titled as Jameet Singh Vs State on dated 03-08-2024, petitioners have filed different petitions, since the petitioners are contract appointee between the years 1995-2000, the speaking orders dated 15.03.2022 issued in CWP No. 5554/2022 are revised to the extent that since petitioner have been allowed regularization w.e.f. 01.01.2006 so for contract period prior to 31.12.2005, concerned Principal is hereby directed to release the contract salary in r/o following Lecturer(S), subject to final outcome of SLP filed in Ex. Pet. 423/2023 titled as Jameet Singh & Ors.:-

Sr.No.	Name Design & place of posting of petitioners	CWPOA/CWP/Ex. Pet. No.
1.	Smt. Mukta Sharma, Lecturer Commerce GGSSS Portmore, Distt Shimla	CWP No. 996/2024
2.	Smt. Monika, Lecturer Economics, GSSS Karoa Distt Kangra	CWP No. 7201/2024

Compliance report be sent to this Directorate within 07 days and entry to this effect may be recorded in service book of petitioners concerned  
May inform the parties accordingly.

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

Endst. No. Even. Dated : Shimla-171001 the Nov., 2024

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. *Kangra*
3. The concerned Principal with the direction for strict compliance.
4. Individual concerned
5. Guard file.

Director Higher Education  
Himachal Pradesh

11 NOV 2024

Endst.No-EDN-KGR(A-5)Court-case-7201/2024-  
Office of the Deputy Director of Higher Education  
Kangra at Dharamshala

Dated: Dharamshala

Nov, 2024 *9667*  
Kangra at Dharamshala

Dy. Director of  
Higher Education

27 NOV 2024

Copy forwarded to:-

1. The Principal GSSS Karoa Distt. Kangra for further n/action please.
2. Guard file.

Dy. Director Hr. Edu.  
Kangra at D/sala