

**Office Order**

**In the matter of : CWP No. 2968/2024- titled as Vinay Sharma & Ors. Vs State of HP & Ors.**

That the petitioners has filled the present Civil Writ Petition thereby seeking the relief to the extent that a writ of mandamus or any other direction may kindly be issued to the respondents to grant the benefit of ACPs to the petitioner on completion of their 4-9-14 years of regular service on one post and one pay scale, with all consequential benefit in terms of ACPS as well as in terms of judgment dated 01.11.2023 passed by this Hon'ble High Court in CWP No. 5536/2020 titled as Sanjay Kumar & others V/s State of H.P.

The said case was listed before the Hon'ble High court on 09-04-2024, when the same was disposed of with the following orders:-

*At the very Outset, learned counsel for the petitioners submits that the case of the petitioners herein is squarely covered by a judgment passed by a Division Bench of this Court in CWPOA No. 5536 of 2020, titled as Sanjay Kumar Vs State of HP and others, decided on 01.11.2023 along with connected matters.*

*Learned counsel for the petitioners submits that the petitioners shall be satisfied at this stage in case respondent No.2 is directed is directed to consider and decide the case of the petitioners in light of the aforesaid judgment in Sanjay Kumar's case (supra) in a time bound manner.*


*Prayer being innocuous is not supposed. Consequently, without adverting to the merits of the claim of the petitioners, the instant petition is disposed of with direction to respondent No.2 to consider and decide the case of the petitioners within eight weeks from the production of this order, strictly in light of the judgment passed by the Division Bench of this court in CWPOA No.5536 of 2020, titled as Sanjay Kumar Vs State of HP and others; In case the petitioners are found similarly situated to the petitioner in CWPOA No.5536 of 2020, they shall be granted same and similar benefits as granted to the petitioner in CWPOA No. 5536 of 2020. It is clarified that in case the petitioners are held entitled for monetary benefits, such benefits shall be restricted to a period of three years prior to the filing of the instant petition. Pending application(s), if any, also stands disposed of accordingly.*

The petitioners were initially appointed as JBT on regular basis in the year 1999 and accordingly have been awarded two benefits under new ACPs or promotion as TGT. Moreover, the pay fixation have been done as per provision dated 27.09.2012 which is considered as financial upgradation/enhancement as per FD's instruction vide letter No.FIN(PR)-B(7)-64/2010 dated 26.02.2013 which is merged with the 14 years ACPs benefit. The detailed particulars of the petitioners working in District Una are given as under :-

Sr. No	Name	Date of Regularization	Date on which first ACP was granted	Date on which 2 <sup>nd</sup> ACP was granted	Date on which Third ACP was to be granted
1	Vinay Sharma S/o Satpal Sharma, TGT (A), GMS Bhatoli U/c GMSSS Basdehra, Ward No-4, VPO Mehatpur, Distt. Una, HP	04-06-1999	04-06-2007	27-08-2009	04-06-2013
2	Priya Sharma W/o Vijay Sharma , TGT (A), GMSSS Basdehra, Ward No-4, VPO Mehatpur, Distt. Una, HP	04-06-1999	04-06-2007	27-08-2009	04-06-2013
3	Lakhvinder Singh S/o Nanak chand, TGT (A), GSSS Loharli, VPO Gugglehar ,Teh. Ghanari, Distt. Una, HP	04.06.1999	04-06-2007	27-08-2009	04-06-2013
4	Satvinder Singh Kang S/o Bhola Ram, TGT (A), GSSS Pandoga (U) VPO Ispur, Distt. Una, HP.	04.06.1999	04-06-2007	27-08-2009	04-06-2013
5	Sandeep Jaswal S/o Kewal Singh Jaswal, TGT (NM), GMS Tatehra U/c GSSS Oel, Ward No-3, PO Gagret, Distt. Una, HP.	04.06.1999	04-06-2007	27-08-2009	04-06-2013

That in view of the above facts and circumstances the relied upon judgment passed by this Hon'ble Court in CWPOA No. 5536/2020 Sanjay Kumar & others connected matter has been assailed by the respondent department by way of filing SLP in the Hon'ble Apex court. Since, the matter is subjudice before the Hon'ble Supreme Court and at this stage benefit can not be granted in the instant matter. Therefore as and when the SLP filed by the State V/s Sanjay Kumar attains finality in the Hon'ble Apex Court further action in the instant matter will be taken accordingly. Hence the representation of the petitioners has been decided and disposed off accordingly.

All the concerned be intimated accordingly.


  
**Dy. Director Elementary Education,  
Una, Distt Una (H.P).**

Endst No: Even

Dated January, 2025

Copy forwarded to the following for information and necessary action to:-

- 1 The Director of Elementary Education H.P. Shimla. I.w.r.t letter No.EDN-H(Ele.IV)B(6)1/2022-Court case Una dated 30.11.2024 , the compliance report is being submitted.
- 2 The SDAG (A&E) H.P. Shimla -3
- 3 ✓ The Concerned Principal/ BEEO in Distt. Una(H.P) shall ensure delivery of this order to the petitioners at their own level earliest please.
- 4 Sh. Vinay Sharma S/o Satpal Sharma, TGT (A), GMS Bhatoli U/c GMSSS Basdehra, Ward No-4, VPO Mehatpur, Distt. Una, HP
- 5 Guard file.

  
**Dy. Director Elementary Education,  
Una, Distt Una(H.P).**